AGENDA

I  Call to Order, Attendance and Meeting Procedures

II  Minutes of October 1, 2020

III  Cases

CASES FROM PREVIOUS MEETING

1. PSUP20-013  Richard Hitz for Eitel Dahm, SITE PLAN REVIEW – Shoreline Bluff Protection Zone, 2082 S Lake Shore Dr., Section 13, Friendship Township (Applicant requested postponement)

2. PSUP20-014  Richard Hitz for Gregg Hartemayer, SITE PLAN REVIEW – Shoreline Bluff Protection Zone, 2078 S Lake Shore Dr., Section 13, Friendship Township (Applicant requested postponement)

3. PREZN20-02  Kenneth Ravencraft, REZONE FF-1 Farm and Forest to R-2 General Residential, 7339 – 7460 Shady Maple Ln, Section 11, Littlefield Township

NEW CASES

4. PPUDF20-05  Chase Bank c/o John Johnson with Wesney Construction, PRELIMINARY PLANNED UNIT DEVELOPMENT – AMENDMENT, 1580 Anderson Rd, Section 7, Bear Creek Township

5. PPUDF20-06  John Ledig for Home Depot, FINAL PLANNED UNIT DEVELOPMENT and SITE PLAN REVIEW, 1700 Anderson Rd, Section 7, Bear Creek Township

6. PPUD20-002  D A Pearson Holdings LLC, PLANNED UNIT DEVELOPMENT REZONING, M-68 Hwy, Section 10, Littlefield Township

7. PSUP20-017  Ironwood Construction, SPECIAL USE PERMIT, 2420 Harbor-Petoskey Rd, Section 27, Bear Creek Township

8. PSUP20-018  Elmer’s Real Estate Company LLC, SPECIAL USE PERMIT/Site Plan Amendment, 7537 Dekruif Rd, Section 23, Carp Lake Township

9. PSUP20-019  Rebecca LaTocha, SPECIAL USE PERMIT – Accessory Building Exception, 11126 Cecil Bay Rd, Section 5, Carp Lake Township

10. PSPR20-012  Mary Beth Carolan, SITE PLAN REVIEW – Cabin Court, 4495 Larks Lake Rd, Section 7,
Center Township  [Applicant (and Township) requested postponement due to meeting date conflicts – both meetings are the same night]

11. **PSUP20-020**  David Coveyou, SPECIAL USE PERMIT & SITE PLAN REVIEW – Campground, 4160 US 131 Hwy, Section 30, Bear Creek Township

12. **PPTEXT20-01**  Emmet County Planning Commission, Zoning Ordinance text amendments, Submittal dates change, Sections 25.05, 16.03.2, 16.03.3, 16.03.5.B, 17.01.3, 17.01.7, 20.07

IV  **Public Comments**

V  **Other Business**

- Master Plan Resolution
- Resort Township Zoning Coordinating Committee Review – Rezoning Eppler/Cemetery Roads
- Zoning Ordinance Text discussion
- 2019 Annual Report
- 2021 Proposed Meeting Schedule

VI  **Adjournment**
EMMET COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES
THURSDAY OCTOBER 1, 2020, 7:30 P.M.
ZOOM MEETING

MEMBERS PRESENT: John Eby, James Kargol, Charles MacInnis, James Scott, Lauri Hartmann, Tom Urman, David Laughbaum, Toni Drier

MEMBERS ABSENT: Kelly Alexander

STAFF: Tammy Doernenburg, Monica Linehan

I Call to Order and Attendance
Chairman Eby called the meeting to order at 7:30 p.m. All members were present except Alexander and Laughbaum. Laughbaum arrived at 7:35 p.m.

II Minutes of September 3, 2020
Kargol made a motion, seconded by Drier, to approve the minutes of the September 3, 2020 meeting as presented. The motion passed unanimously by voice vote of the members present.

III Cases

1. Case #PSUP20-013 Richard Hitz for Eitel Dahm, SITE PLAN REVIEW-Shoreline Bluff Protection Zone, 2082 S Lake Shore Dr, Section 13, Friendship Township

Legal Notice: A request by Richard Hitz for Eitel Dahm for Site Plan Review at 2082 S Lake Shore Dr, Section 13, Friendship Township. The property is tax parcel 06-11-13-100-003 and is zoned SR Scenic Resource. The proposal is to create an access path for shoreline revetment construction on the shoreline bluff. The review is per Emmet County Zoning Ordinance Section 22.10 Shoreline Bluff Protection.

Packet Items: No new info

The applicant has requested postponement for this case to allow time to look into having the slope study completed.

2. Case #PSUP20-014 Richard Hitz for Gregg Hartemeyer, SITE PLAN REVIEW-Shoreline Bluff Protection Zone, 2078 S Lake Shore Dr, Section 13, Friendship Township

Legal Notice: A request by Richard Hitz for Gregg Hartemeyer for Site Plan Review at 2078 S Lake Shore Dr., Section 13, Friendship Township. The property is tax parcel 06-11-13-100-002 and is zoned SR Scenic Resource. The proposal is to create an access path for shoreline revetment construction, remove the failing retaining wall, and install helical piers - all on the shoreline bluff. The review is per Emmet County Zoning Ordinance Section 22.10 Shoreline Bluff Protection.

Packet Items: No new info

The applicant has requested postponement for this case to allow time to look into having the slope study completed. Doernenburg also reported that the permit for the work on the house was issued.
3. Case PREZN20-02  Kenneth Ravencraft, REZONE FF-1 Farm and Forest to R-2 General Residential, 7339-7460 Shady Maple Ln, Section 11, Littlefield Township

Legal Notice: A request by Kenneth Ravencraft to rezone parcels located on Shady Maple Lane within Section 11 of Littlefield Township. The proposal is to rezone from FF-1 Farm and Forest to R-2 General Residential the following tax parcels 07-17-11-100-008, 021, 023, 027, 028, & 030, (7445, 7387, 7363, 7460, 7366, & 7339 Shady Maple Ln). The review will be conducted per Section 27.11.1 of the Zoning Ordinance. The Planning Commission may also consider including tax parcels 07-17-11-100-022, and 029 (7411 and 7380 Shady Maple Ln) and may also consider rezoning some or all of the parcels to R-1 One & Two Family Residential.

Packet Items: Township recommendation-request for postponement, revised zoning evaluation

Doernenburg reported that since the last meeting she did send an email to both the property owner that requested that he not be part of the rezoning and the property owner on property 007. She has gotten no response from either of them. The request is for the rezoning of properties accessed via Shady Maple Lane. The zoning map, aerial, and Future Land Use Map was shown. The area is shown as mixed use. The township has requested that the case be postponed because their Township Board meets after this meeting. Their Planning Committee recommended denial based on the concern that there would be more dwellings added to the private road and it would be difficult for emergency vehicles as they drive back farther onto the lane.

Ravencraft stated he has issues with the township linking the rezoning request with the condition of the road. It should be two separate issues. He is only one person that uses that road. He sees nothing wrong with the road personally; it is maintained by three of the owners throughout the seasons. The township should show concern for all seven people who live along the road and not just him. The only reason that he has requested the rezoning is so that he can build a small guest bungalow on his property.

Eby asked Doernenburg if she had discussed the issues with conditional rezoning not being allowed with the township. Doernenburg stated that she has. Ravencraft stated that the township Supervisor indicated to him that they want the road in better shape. Doernenburg stated that conditional rezoning is not allowed. She understands that the township is looking for some sort of maintenance agreement. They want to see the case again. Ravencraft stated that if they want to discuss the road it should be a separate issue from this request. Eby stated that the rezoning would allow a much denser use than what exists now, this is where the problem with the road comes in. Ravencraft stated that he has a commercial grader that he uses on the road every few weeks, another neighbor has more equipment that does the heavier work, and another plows in the winter.

Urman stated that it seemed that the township was concerned about emergency access; perhaps he should talk to the fire department as well as it might help his cause. Ravencraft stated that ambulances have been there along with other rescue vehicles. They have had no issues and UPS doesn’t have any issues. He is a retired firefighter and could get in there no problem.

MacInnis asked Doernenburg if there is reason to believe that the two emails she sent were received. Perhaps they didn’t get it. Doernenburg stated that there is always that possibility but she responded to the email that he sent to her. MacInnis stated that he was late providing information in the first place. He wants to give the township an opportunity to address the roads; maybe these two will show up at the township meeting instead.

Drier asked if Littlefield Township has a Planning Commission. Doernenburg stated that they have a Planning Committee. Drier asked if they recommended denial. Doernenburg replied, yes.

This case was postponed for further township review.
Dennis Hoshield asked if an ADU has been considered by the applicant for the bungalow as opposed to rezoning. This might force the issue with the road.

4. Case #PSPR20-008  Elizabeth Molosky for Triton Capital LLC, SITE PLAN REVIEW-AMENDMENT, 2864 N US 31 Hwy, Section 22, McKinley Township

Legal Notice: A request by Elizabeth Molosky for Triton Capital LLC for a Site Plan Review - Amendment to add an accessory building to a business property at 2864 N US 31 Hwy, Section 22, McKinley Township. The property is zoned B-1 Local Tourist Business and is tax parcel 24-10-10-22-100-028. The request will be reviewed per Articles 10, 20 and 22 of the Zoning Ordinance.

Packet Items: Request & location map, tax parcel map, application, SPR checklist, impact statement, Maple River twp recommendation, zoning evaluation, site plan

Doernenburg presented this case. The property is zoned B-1 which means any use needs to go before the Planning Commission for review. This is a conforming lot. The surrounding properties are zoned B-1 to the north, south, and east and FF-1 across the highway. The site plan was shown. The request is for an accessory building to be used for storage. The plan has been revised due to the location of the septic and drainfield. It has now been moved behind the building. The accessory building proposed is a 16x37' building. It is now completely screened due to the change in location. The access used will be the existing access from US 31. It meets all setbacks. The trees are existing and will be maintained. Parking is shown behind the building. Snow storage is shown on the plan. The township has requested postponement due to their meeting being after this one. Doernenburg stated that because the request is minor in nature she hopes that the Planning Commission could authorize the Zoning Administrator to sign a zoning permit if the township recommends approval with no concerns.

Elizabeth Molosky, applicant, stated that she is storing furniture. She has no garage and needs storage. She stated that because McKinley Township changed or cancelled their meeting she would like a contingent approval. Molosky stated that the building is a pre-fab shed that needs to be put down and her stuff moved in prior to the snow falling. This is her biggest concern. Doernenburg clarified that the township didn’t cancel or change their meeting but rather due to the way the meeting dates fall this time, they meet after our meeting.

MacInnis asked for clarification on whether Doernenburg is asking for permission to approve this case administratively if the township recommends approval at their meeting. Doernenburg replied, yes. MacInnis asked if she anticipates a township approval. She stated that she does. Eby stated that he has some issues with the way that this is worded only because we can’t abdicate our decision based on what the township says. There was some discussion on the wording of the motion.

MacInnis made a motion to approve Case #PSPR20-008, Elizabeth Molosky for Triton Capital LLC for Site Plan Review – amendment to allow an accessory building at 2864 N US 31 Hwy, Section 22, McKinley Township, tax parcel 24-10-10-22-100-028, as shown on the site plan dated Received Aug 25 2020 and updated September 28, 2020 because the standards of Articles 10, 20 and 22 have been met based on the facts presented in this case and on condition that all of the township requirements are met to the satisfaction of the Zoning Administrator. The motion was supported by Urman and passed on the following roll-call vote: Yes: Eby, Drier, Scott, Laughbaum, Urman, Kargol, MacInnis, Hartmann. No: None. Absent: Alexander.

Drier stated that this insures that the applicant goes to the township meeting. Molosky stated that she is planning on attending that meeting.
5. Case #PSPR20-009  Steve Boettger for Solutions Electric, SITE PLAN REVIEW-RENEWAL/AMENDMENT, 8152 Milton Rd, Section 16, Littlefield Township

Legal Notice: A request by Steve Boettger for Solutions Electric Inc. for renewal of a Site Plan Review for a contractor's office at 8152 Milton Road, Section 16, Littlefield Township. The property is zoned B-2 General Business and is tax parcel 24-07-17-16-200-040. The request is per Articles 11 and 22 and Section 26.38 of the Zoning Ordinance. The Special Land Use was approved in 2015. The site plan was approved in 2017 (approval has expired).

Packet Items: Request & location map, tax parcel map, application. SPR checklist, impact statement, zoning evaluation, site plan.

Doernenburg stated that the applicant had advised her that he wasn’t able to attend the meeting tonight but wished for the review to move forward without him present. She explained that this site plan was approved more than two years ago and has since expired. There is an existing building on the property that is used for his electrical business. The proposal is to add a second building and a lean-to addition on the north side of the existing building. The site plan, photos, and aerial view were shown. The property is zoned B-2 and is 3.8 acres. The township has recommended approval and a performance guarantee is still in place. A time limit on submitting an as-built drainage plan is included in the motion because the performance guarantee has been held since 2015.

Laughbaum asked if anything has changed in the area since the original approval. Doernenburg replied, no.

Chip Ironside asked if there are lights on the existing building and if they are in compliance with the ordinance. Doernenburg was unsure, the draft motion addresses this issue.

Hartmann made a motion to approve Case #PSPR20-009 Steve Boettger for Solutions Electric Inc, for Contractor’s office and storage for plumbers, electricians, decorators or similar trades on property located at 8152 Milton Road, Section 16, Littlefield Township, tax parcel 24-07-17-16-200-040, as shown on the site plan dated Sep 1 2020 because the standards of Articles 11 and 22 and Section 26.38 of the Zoning Ordinance have been met, the offices are located in the front of the building, and on condition that the exterior lighting be reviewed and that an as-built drainage plan be submitted within 60 days of completion of the new building and because the township has recommended approval. The motion was supported by Scott and passed on the following roll-call vote: Yes: Eby, Drier, Scott, Laughbaum, Urman, Kargol, MacInnis, Hartmann. No: None. Absent: Alexander.

6. Case #PSUP20-016  Ron Budnik, SPECIAL USE PERMIT, 2230 N US 31 Hwy, Section 26, Bear Creek Township

Legal Notice: A request by Ron Budnik for Kalchik Properties for a Special Use Permit for outdoor display of vehicles (dealership) at 2230 N US 31 Hwy, Section 26, Bear Creek Township. The property is tax parcel 24-01-16-26-226-016 and is zoned I-1 Light Industrial. The request is to allow outdoor display on the property. Review is per Articles 14, 19, 20, 21, 22, 24, 26 & 27 of the Zoning Ordinance.

Packet Items: Request & location map, tax parcel map, application, SPR checklist, impact statement, zoning evaluation, site plan.

Doernenburg presented this case. The property is on the southeast corner of Fochtman Industrial Park Drive and US 31 Hwy; the former EK Hydraulics building. The building and parking lot exist and no structural changes are proposed. The request is to allow outdoor sales of vehicles. The buildings are currently being used for storage for contractors. The site plan was shown. All setbacks are met. There is a dry hydrant on site, and adequate parking. There is a dumpster on site that needs to be screened per ordinance standards within 60-90 days. The lighting is not fully shielded and does glare; this will need to be corrected and the applicant has agreed to do so within 60-90 days. The lot will be seal coated and striped and per the township will need to be done by June 1, 2021.
Ron Budnik, applicant, stated that he has a dealer license and can purchase cars for his clientele with the dealership license. At this point, the cars will only be there for a few days but it could evolve into more time and cars in the future.

There was no public comment on this case.

MacInnis stated that the 60-90 day range in the motion should have a number assigned to it rather than a range. 90 days was suggested.

Drier made a motion to approve Case #PSUP20-016, Ron Budnik for Kalchik Properties for a Special Use Permit for a display lot at 2230 N US 31 Hwy, Section 26, Bear Creek Township, tax parcel 24-01-16-26-226-016, as shown on the site plan dated Received Sept 4, 2020 because the standards of Articles 14, 20, 21, 22 and Section 26.42 have been met based on the facts presented in this case and because the township has recommended approval and on condition that any exterior lighting and signage be reviewed by the Zoning Administrator, the seal coating and striping of the lot will be completed by June 1, 2021, the dumpster will be screened as per ordinance standards within 90 days, and the lighting will meet ordinance standards within 90 days. The motion was supported by Hartmann and passed on the following roll-call vote: Yes: Eby, Drier, Scott, Laughbaum, Urman, Kargol, MacInnis, Hartmann. No: None. Absent: Alexander.

7. Case #PSPR20-011  Reg Whitcomb for Dare III LLC, SITE PLAN REVIEW, 1001 Lears Rd, Section 7, Bear Creek Township

Legal Notice: A request by Reg Whitcomb for Dare III LLC for site plan review for four duplex units on the easterly side of Lears Rd, westerly of Glen Haven Circle with the current address of 1001 Lears Rd within Section 7 of Bear Creek Township. The property is zoned R-2 General Residential with a Planned Unit Development-1 overlay and is tax parcel 24-01-19-07-400-035. The request will be reviewed per Articles 5, 20, 22 & Section 26.49 of the Zoning Ordinance. Packet Items: Request & location map, tax parcel map, application, SPR checklist, impact statement, Benchmark notices, zoning evaluation, site plan, drainage plan, floor plans

Doernenburg presented this case. The existing PUD was originally established with 80 acres but now part of the land is in Tribal Trust. The site plan was shown. There are existing multiple family dwellings as well as an existing driveway that will be used to access the proposed four duplex buildings with eight total units. The plan has been updated since the Fire Department review. An additional turnaround area was added. There was some discussion at the township meeting regarding safety and guardrails. The driveway is paved, there will be garages for each unit. Elevations were provided and shown and ordinance standards are met. Photos of the site were shown. The township discussed the trees being retained and maintained to the furthest extent possible. Lears is a Tribal road and there has been no road agency approval provided. Snow management is not shown on the plan but there are areas for snow storage. This was discussed at the township meeting and the management company will manage the snow as in the adjacent residential community. No outdoor lighting has been identified. They have been approved for City water hookup; the sewer is private but will be built to public standards.

Chip Ironside, representative for the applicant, stated that the small retaining wall by the turnaround has been indicated by the civil engineer to be no higher than 4’. This was of concern at the township meeting for safety reasons that people may fall off. If there were any issues, there would be a barrier.

MacInnis stated that his mother lived in Glen Haven which is an outstanding development.
Urman stated that they met the township approvals and addressed the safety concerns and will be in compliance with codes.

Kargol stated that his concern is with the water in this location and wanted to make sure that the retaining pond is properly engineered. They are setting up more units that will create water and everything is downhill. He is concerned that the water stay on site. Ironside stated that there are catchment areas further down which allow the water to percolate down into the earth along the way. Bryan Nolan engineered the plan. Doernenburg stated that we have a sealed drainage plan and updates to the plan will be submitted after approvals are given based on the fire chief and city utility suggestions.

Ron Budnik stated that this is a great complex.

Dennis Hoshield stated that this is a nice area.

Urman made a motion to approve Case #PSPR20-011, Reg Whitcomb for Dare III LLC for Site Plan Review – for 4 duplex buildings (8-units), on property located at 1001 Lears Road, Section 7, Bear Creek Township, tax parcel 24-01-19-07-400-035, as shown on the site plan and drainage plan dated Received Sept 28, 2020 because the standards of Articles 5, 20, 22 and Section 26.49 have been met based on the facts presented in this case and condition that any exterior lighting and signage be reviewed by the Zoning Administrator, a performance guarantee in the amount to be provided by engineer be submitted prior to issuance of a zoning permit, and because Bear Creek Township Planning Commission has recommended approval, on condition that sealed drainage plans will be provided, Fire Department conditions are met, and that the existing trees are to remain to the greatest extent possible on the southwest side of the property. The motion was supported by Hartmann and passed on the following roll-call vote: Yes: Eby, Drier, Scott, Laughbaum, Urman, Kargol, MacInnis, Hartmann. No: None. Absent: Alexander.

8. Case #PSPR20-010 Paula Brown for Injured Soldiers Inc., SITE PLAN REVIEW-AMENDMENT, 4171 Ely Rd, Section 20, McKinley Township

Legal Notice: A request by Paula Brown for Injured Soldiers Inc., for a Site Plan Review - Amendment to add an accessory building to a private and semi-private recreation operation/Institutional/Educational use at 4171 Ely Road, Section 20, McKinley Township. The property is zoned FF-2 Farm and Forest and is tax parcel 24-10-10-20-300-006. The request will be reviewed per Articles 8, 20 and 22 of the Zoning Ordinance.

Packet Items: Request & location map, tax parcel map, application, impact statement, SPR checklist, Maple River recommendation, ECPC minutes 7/2015, zoning evaluation, elevations, site plan

This property is located on the north side of Ely Road and is zoned FF-2; approximately 238 acres. In 2015 a Special Use Permit was approved to allow for private/semi-private recreation lands. The house and accessory uses were allowed at that time. The current proposal is for a 1500sf accessory building behind the existing barn for storage use. The plan and photos were shown. The building will displace some approved camping areas. McKinley Township recommended approval. There is no change in use.

Mike Brown, applicant, stated that they want to build a 30x50’ pole barn with a cement floor to keep their equipment, such as golf carts, out of the weather. They have been storing things in the back horse barn but there are issues with animals there.

Drier made a motion to approve Case #PSPR20-010, Paula Brown for Injured Soldiers Inc for Site Plan Review – amendment to allow an accessory building at 4171 Ely Road, Section 20, McKinley Township, tax parcel 24-10-10-20-300-006, as shown on the site plan dated Received Sept 2, 2020 because the standards of Articles 8, 20, and 22 have been met based on the facts presented in this case, and McKinley Township recommended approval. The motion was supported by Scott and passed on
Emmet County Planning Commission Meeting Minutes 10/1/2020

the following roll-call vote: Yes: Eby, Drier, Scott, Laughbaum, Urman, Kargol, MacInnis, Hartmann. No: None. Absent: Alexander.

Other Business

IV  Public Comments: None.

V  Other Business:

Public Hearing-Master Plan:
Dennis Hoshield asked about the area on the east side of Alanson; there is a blue area across M-68 that doesn’t seem to be bounded by property lines or sections on the Future Land Use Map. Doernenburg stated that you will see that in most every category; property lines were intentionally not followed to allow us to look at uses in the vicinity to make sure uses are consistent.

Doernenburg stated that all public comments that were received were provided. Charlevoix County comments were included via email. A digital copy of the markups was distributed to the Planning Commission members. If everything looks good, the Planning Commission could choose to forward to the Board of Commissioners. If changes need to be made, we can either come back here or just suggest the changes when it is before the Board of Commissioners. Doernenburg stated that she would like to update the title to read 2021-2025 since it is so late in the year. The plan was created in 2019-2020 and there have been some changes in the CCE/911 which should be captured in the plan before it is published. She will ask someone from that board to look at that section before it goes to the Board of Commissioners.

Drier stated that she would like the last line removed on page 76. She stated that on August 20, 2020, the Board of Commissioners was presented with a proposal but there was no board action regarding EmGo and it hasn’t been renewed beyond 2020. Perhaps it can just say continue to work towards a public transportation system. MacInnis stated that options for public transportation may be explored in the future.

Laughbaum stated that the map on page 69 with three shades of red is hard to read. Doernenburg stated that we cannot manipulate it as it comes from Network Northwest but she can contact them to see if it can be changed. Laughbaum stated that if we don’t draw attention to the roads, they will never get fixed.

Scott made a motion to forward the draft Emmet County Master Plan to the Board of Commissioners with the change in title to 2021-2025, the change in the transportation section that Drier suggested, and the map update that Laughbaum suggested. The motion was supported by MacInnis and passed on the following roll-call vote: Yes: Eby, Drier, Scott, Laughbaum, Urman, Kargol, MacInnis, Hartmann. No: None. Absent: Alexander.

Zoning Amendments: Ruben Shell stated that the introduction to possible zoning amendments were included in tonight’s packet. Tweaking the review process slightly in Article 20 is a big component which allows an administrative review committee to be formed to review certain site plans outside of a formal meeting; these would be for uses by right, accessory structures with an existing use by right, and that have less than 500 trip ends per day. He stated that more communities are doing this; it is best practice and helps economic development by expediting the site plan process and helps shorten Planning Commission agendas and open time up for other planning projects.
Eby stated that there was an engineer that pushed for this for many years. Scott stated that it makes sense on a case by case basis it seems that it would be a good idea. MacInnis asked which items on tonight’s agenda would qualify. Doernenburg stated that cases #4, 5, 7, and 8 tonight. Doernenburg stated that there have been some frustrated applicants with the process because they want to move forward more quickly. This goes hand in hand with the other potential change of expanding the cutoff dates. Urman stated that he agrees with the potential change. Hartmann stated that she agrees as well but having a committee seems like it is just another cog in the governmental wheel and wonders if it is just another step. Does it really expedite anything? She asked Doernenburg if she could just administratively approve them without a committee. Doernenburg stated that she doesn’t want any one person to have the pressure of making decisions; applicants can be very eager to get projects going. If there is a committee, then the procedures would be followed and it allows another set of eyes to review the application. Hartmann asked if it would meet as cases come in to approve. Shell stated that they typically would meet every couple weeks. MacInnis stated that if it is only a certain number of people it is no longer a committee and wouldn’t be subject to public meetings, minutes, etc. Shell agreed. Eby stated that this is administrative approval with a different format; he can understand why the Zoning Administrator wouldn’t want the pressure. The committee members should be chosen with alternates. MacInnis stated that he thinks it is a good idea to allow the Planning Commission to focus on bigger things. Kargol stated that there are always deadlines and this would help to move things along. Laughbaum stated that he is concerned that there would be no public record of meetings; what if people claimed favoritism? What do the townships think about this? He stated that the public meetings allow the public to be present and know what happens and why it happened; if there are no records he is a bit leery. MacInnis stated that outcome of the decisions could be presented to the full board. Laughbaum stated that there would be no notice for these cases. Doernenburg stated that site plan review cases don’t require notification and these would only be uses allowed by right. Shell stated that they would decide if it does or does not meet the requirements. Drier said she is leaning towards yes but is not in favor of just having the Zoning Administrator make a decision and is concerned about the township not having a voice; she shares some of Laughbaum’s concerns. Hartmann asked if the townships will see this proposal. Doernenburg stated that she hasn’t submitted it to Civil Counsel yet, she suggested doing that, if any concerns from the board come up in the next couple of weeks we can bring back. Shell stated that he will look into how alternate members would work and make sure that we don’t have to post meetings, etc. Drier stated that she doesn’t think that subcommittees do. Eby stated that it is only feedback only at this point; it appears to be acceptable; there are just some issues to work out.

The other potential change is to change the submittal deadlines from 22 to 28 days in advance for ZBA cases and from 24 to 28 days for PC cases. Doernenburg stated that it is very difficult to get cases notified properly with the dates as it is now. MacInnis made a motion supported by Scott to authorize the notifications to move forward for the potential amendments. The motion passed unanimously via voice vote of the members present.

VI Adjournment

Eby called the meeting adjourned at 9:00 p.m.
Hi Tammy,

I was hoping to have something for the November meeting but just got word yesterday that the soil testing has been done but the analysis has not been completed. Rather than try to rush it in again I would rather wait until the December meeting or January, if necessary.

FYI

At this point we can only do temporary protection and not permanent until next spring.

Richard

On Oct 15, 2020, at 1:39 PM, Tammy Doernenburg <tdoernenburg@emmetcounty.org> wrote:

Hi Richard,

I’m preparing the packets for the upcoming Emmet County Planning Commission meeting (November 5). Do you have any new information for that meeting for the two cases you have before the PC?

Any update would be greatly appreciated.

Tammy

Tammy Doernenburg
Planning and Zoning Director
Emmet County
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(o) 231.439.8998
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Case #PREZN20-02 Request by Kenneth Ravencraft to rezone parcels located on Shady Maple Lane section 11 LT. The rezoning would be from FF-1 to R-2.

The Township recommendation is to deny this case because we would like to see a maintenance agreement on the private road. Also, we are planning to update our October 2010 Corridor Studies on M-68 this spring and at that time we will be looking at some zoning changes. Plus, two of the eight property owners would not like to see their property rezoned.

Vote: 3 Yes, 2 No


The township recommends to approve this case because the addition will not go out any closer to the main road than the existing porch. They do not need any setbacks on each side of the porch and will expand past the foot-print of the house.

Vote: 5 Yes, 0 No

Katie Derrohn, Trustee, Chairperson
To: Katie Derrohn
From: Scott D. Lauer
CC: Mr. Ravencraft
Date: 10/05/2020

Subject: Shady Maple Lane Road Update

Katie,

I received a phone call from Mr. Ravencraft on 10/03/2020 regarding Shady Maple Lane and the condition of the road. I went and met with him around noon, he has brought in about four truck loads of road gravel and graded the road. Mr. Ravencraft has also fixed the soft area where the road splits. The branches over hanging the road have all been cleaned up and there is no more obstruction on Shady Maple Lane.

Mr. Ravencraft informed me that he grades the road to fill all the pot holes and smooth the road about once a month or as needed. The gentleman on the corner plows the road in the winter time, the other residents all pitch in to maintain the road year around.

I now see no reason the Fire Department could not get anyone of our Fire apparatus in and out of Shady Maple Lane without issue.

Sincerely

Scott D. Lauer
Alanson Littlefield Fire Chief
Current Zoning Map

Plan prepared by
Emmet County Planning and Zoning
231-348-1735

Date: 10/16/2020
ZONING EVALUATION FORM
Office of Planning and Zoning
Emmet County, MI

DATE: 10/16/2020 (Updated)  CASE #: PREZN20-02

APPLICANT: KENNETH M & PATRICIA A RAVENCRAFT

PROPERTY:  7339 SHADY MAPLE LN

TOWNSHIP:  LITTLEFIELD

REQUEST:  Rezoning request – FF-1 Farm and Forest to R-2 General Residential

FACTS:
- The property is zoned FF-1 Farm and Forest.
- The request includes eight properties totaling 14.88 acres.
- The properties are all accessed via Shady Maple Ln, a private road on the north side of M-68 Highway.
- The proposal is to rezone the properties to R-2 General Residential.
- Final approval of a rezoning is by the Emmet County Board of Commissioners.
- The adjacent properties are zoned FF-1 Farm and Forest to the north and east; R-2 General Residential to the west, R-1 One & Two Family Residential to the south (see zoning map).
- Surrounding uses include residential.
- The Emmet County Master Plan (2015) and excerpt of Future Land Use Map show the parcels as Mixed-Use (See Master Plan excerpt map and zoning plan).
- Signatures from six of the property owners were received, the other two properties were included in the legal notice to be considered. The legal notice was also written to allow consideration of the R-1 Zoning District.
- Parcels to consider – all addressed from Shady Maple Ln include 7445, 7411, 7387, 7363, 7339, 7366, 7380, 7460 – tax parcel numbers 07-17-11-100-008, 100-022, 100-023, 100-021, 100-030, 100-028, 100-029 & 100-027.
- Littlefield Township recommended denial on a 3-2 vote (see enclosed recommendation).
- Fire Chief letter provided regarding access.
- Shady Maple Lane was established in 1998 when the parcels were created. It is a 33’ wide non-exclusive easement. The road is non-conforming (it was legally established, but does not meet current zoning standards). There is no maintenance agreement in place for Shady Maple Lane.
- Letter sent to adjacent property owner to the east. No response to date.
- Email sent to property owner on Shady Maple Ln. No response to date.
### ZONING ORDINANCE STANDARDS:

#### 27.11.1 Rezoning Standards

The Planning Commission shall review and apply the following standards and factors in the consideration of any rezoning request.

<table>
<thead>
<tr>
<th><strong>Review Standards</strong></th>
<th><strong>Comments</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Is the proposed rezoning consistent with the current Master Plan?</td>
<td>Master Plan shows this property as “mixed use”.</td>
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<tr>
<td>B. Are all of the allowable uses in the proposed district reasonably consistent with surrounding uses?</td>
<td>Yes, property abuts R-2 zoning district to the west.</td>
</tr>
<tr>
<td>C. Will there be an adverse physical impact on surrounding properties?</td>
<td>Additional lots utilizing private road may cause adverse impact if not properly maintained for the potential density.</td>
</tr>
<tr>
<td>D. Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?</td>
<td>Zoning changes have occurred in vicinity – mostly related to PUDs and nearby industrial park, reducing areas for dwellings.</td>
</tr>
<tr>
<td>E. Will rezoning create a deterrent to the improvement or development of adjacent property in accord with existing regulations?</td>
<td>No apparent deterrent.</td>
</tr>
<tr>
<td>F. Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?</td>
<td>The rezoning is proposed on multiple properties.</td>
</tr>
<tr>
<td>G. What is the impact on the ability of the County and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the proposed amendment is adopted?</td>
<td>Additional lots utilizing private road may impact the ability to provide adequate public services. Fire Chief letter provided regarding access.</td>
</tr>
<tr>
<td>H. A zoning ordinance amendment approved by the Planning Commission shall not increase any inconsistency that may exist between the zoning ordinance or structures or uses and any airport zoning regulations, airport layout plan, or airport approach plan.</td>
<td>N/A</td>
</tr>
</tbody>
</table>
OPTIONS – Recommend to the Board of Commissioners:
A) Deny rezoning with reasons provided
B) approve rezoning as requested
C) approve rezoning part of the properties requested.

Draft Motions:

OPTION A: To recommend denial of PREZN20-002, a request by Kenneth Ravencraft to rezone eight parcels all located on Shady Maple Lane from FF-1 Farm and Forest to R-2 General Residential. The rezoning includes 7445, 7411, 7387, 7363, 7339, 7366, 7380 and 7460 Shady Maple Lane, Section 11, Littlefield Township, tax parcels 24-07-17-11-100-008, 022, 023, 021, 030, 028, 029 & 027 for the following reasons: the current zoning district allows for residential uses and is consistent with the north and east property zoning districts (other reasons may be added here).

OPTION B: To recommend approval of PREZN20-002, a request by Kenneth Ravencraft to rezone four parcels located on Shady Maple Lane from FF-1 Farm and Forest to R-2 General Residential. The rezoning includes 7445, 7411, 7387, 7363, 7339, 7366, 7380 and 7460 Shady Maple Lane, Section 11, Littlefield Township, tax parcels 24-07-17-11-100-008, 022, 023, 021, 030, 028, 029 & 027 because the standards for a rezoning are met, the rezoning is supported by the Emmet County Master Plan, the rezoning and uses within the R-2 zoning district are consistent with the rezoning (other conditions or statement of facts may be inserted here).

OPTION C: To recommend approval of PREZN20-002, a request by Kenneth Ravencraft to rezone eight parcels all located on Shady Maple Lane from FF-1 Farm and Forest to R-2 General Residential. The rezoning includes 7339, 7366, 7380 and 7460 Shady Maple Lane, Section 11, Littlefield Township, tax parcels 24-07-17-11-100-030, 028, 029 & 027 because the standards for a rezoning are met, the rezoning is supported by the Emmet County Master Plan, the rezoning and uses within the R-2 zoning district are consistent with the rezoning (other conditions or statement of facts may be inserted here).
REQUEST

PPUDF20-05
A request by Chase Bank c/o John Johnson with Wesney Construction for a Preliminary Planned Unit Development (PUD) Amendment on property located at 1580 Anderson Road in Section 7 of Bear Creek Township. The property is tax parcel 01-19-07-300-039 and is zoned R-1 One & Two-Family Residential, R-2 General Residential with a PUD overlay. The request is to allow a drive-through ATM in the PUD. The review will be conducted per Article 17 of the Zoning Ordinance.

LOCATION
APPLICATION FOR ZONING ACTION
EMMET COUNTY OFFICE OF PLANNING, ZONING,
AND CONSTRUCTION RESOURCES
3434 HARBOR-PIETOSKEY RD, SUITE E, HARBOR SPRINGS, MI 49740
PHONE: (231) 348-1735 FAX: (231) 439-8933 EMAIL: pzc@emmetcounty.org

SEP 15 2020
DATE RECEIVED $ 500

PLEASE MAKE CHECKS PAYABLE TO: EMMET COUNTY

APPLICANT'S NAME: CHASE BANK
JOHN JOHNSON/ WELSH CONSTRUCTION

APPLICANT'S ADDRESS: 261 SCIENCE RIVE, GANANOKE, OHIO 43230

APPLICANT'S EMAIL ADDRESS: JOHNSON

OWNER'S NAME: BEAR CREEK STATION LLC/ RICHARD TRANER/ PHILIP EDISON

OWNER'S ADDRESS: 11501 NORTHLAKE DRIVE, CINCINNATI, OHIO 45246

OWNER'S EMAIL ADDRESS: bayers

JOB SITE LOCATION:
Township: BEAR CREEK
Tax Parcel #: 24-01-19-07-300-039

Address: 1608 ANDERSON ROAD, PIETOSKEY, MI 49770

ZONING REQUEST:
Planning Commission:
Special Use Permit
Site Plan Review
Planned Unit Development
Zoning Map Change
Zoning Text Change

REQUIRED USE INFORMATION
Ground floor area main building: 81247 Sq. Ft.
Floor Area accessory building: 78 sq. ft.
Lot/Parcel Size: 11536 Acres 503635 Sq. Ft.

Site/Plot Plan required:
2 full sized & 14 reduced sized (max 11"x17")
site plans required for Planning Commission cases.

Elevation Drawing
Engineered Drainage Plan
Soil Erosion Permit
Health Dept. Approval/
Sewer Taps

Date Submitted

Site Inventory
Fire Dept Approval

Date Submitted

Wetlands Permit
Road Commission/

Other:
As owner/and or applicant representing the owner, I do □ do not □ authorize Emmet County (staff, appointed board, and/or commissioners, or committee members) to enter upon the subject property for purposes of making inspections related to the project or request identified in this application. If authorized, such inspections or site-walks shall be conducted at reasonable hours and times.

I certify that all the above information is accurate to my fullest knowledge:

JOHN JOHNSON

Printed Name of Applicant

THOMAS L. MEYERS

Printed Name of Property Owner

Vice President

September 1, 2020

Date

Required Signature of Owner

*Required Signature of Owner

Date
Date: SEPTEMBER 1, 2020

Emmet County
Planning, Zoning, & Construction Resources
3434 Harbor Petoskey Road, Suite E
Harbor Springs, MI 49740

To Whom It May Concern:

I hereby authorize (applicant's name) CHASE BANK c/o JOHN JOHNSON w/ WESNEY CONSTRUCTION to apply for and sign (as agent) the necessary Emmet County permit applications for (project) CHASE BANK ATM. Any questions should be directed to (business name) JOHN JOHNSON w/ WESNEY CONSTRUCTION.

Sincerely,

Property Owner Signature (please print name below)

THOMAS L. MEYERS
BEAR CREEK STATION LLC c/o ROBERT PETERS w/ PHILLIPS EDISON GROCERY CENTER
ZONING EVALUATION FORM
Office of Planning and Zoning
Emmet County, MI

DATE:  10/16/2020                  CASE #: PPUDF20-05

APPLICANT:  JOHN JOHNSON/WESNEY CONSTRUCTION FOR CHASE BANK

PROPERTY:  1580 ANDERSON RD

TOWNSHIP:  BEAR CREEK

REQUEST:  Planned Unit Development (PUD)– Amendment

FACTS:
- The property is zoned R-1 One & Two Family Residential and R-2 General Residential with a PUD-1 overlay.
- The PUD was originally established in 1994. It was amended in 2000 when Bear Creek Township administered its own zoning. It was amended again in 2008. Site Plans have been reviewed individually as construction progressed and changes occurred. The PUD was amended earlier in 2020 to allow for up to three drive-thru restaurants and additional outdoor display and storage.
- The applicant has requested an ATM drive-through which requires a PUD amendment, as drive-through businesses are not included in the PUD agreement (other than the specified drive-thru restaurants).
- The entire PUD area includes six parcels totaling 62.5 acres north of Lears Rd east of Cemetery Rd and west of Anderson Rd and six parcels totaling approximately 20 acres north of Lears Rd, west of US 131 Hwy and east of Anderson Rd. The entire PUD is approximately 83 acres and includes underlying zoning districts of R-1, R-2 and B-2.
- The area of the proposed change is between Anderson Road and the northerly retail established building containing a cellular store, WhichWich restaurant, Marshalls, Goodwill, JoAnn Fabrics, and Home Goods. It is at the northeasterly end of the parking area for those businesses.
- The area of proposed change for the Chase ATM drive-through would displace 15 parking spaces and replace with an ATM pedestal and five stacking spaces with necessary safety features to protect the adjacent non-motorized trail and existing maneuvering lane.
- This is a Preliminary PUD review. Bear Creek Township approval is necessary. Final review is by the Emmet County Board of Commissioners.
- No new accesses proposed to county or state roads.
- The perimeter setback of 50’ is maintained from Anderson Road.
- Parking standards appear to be met.
- No additional impervious surface will be proposed.
- If the Preliminary PUD is approved, then the applicant could proceed with a Final PUD Plan and Site Plan - Reviewed by the Planning Commission.
- Surrounding uses include movie theater, retail, restaurants, service businesses.
ZONING ORDINANCE STANDARDS:

SEE PUD STANDARDS – Article 17 of the Zoning Ordinance

Draft Motions:

To **approve** PPUDF20-05, John Johnson of Wesney Construction for Chase Bank for a Planned Unit Development amendment on property located at 1580 Anderson Road, Section 7, Bear Creek Township, tax parcel 01-19-07-300-039, to add a drive-through ATM as shown generally on the Amendment to the PUD Master Plan dated Sep 15 2020 because the standards for the PUD have been met based on the uses in the vicinity, the changes in the vicinity since the original PUD was approved and subsequently amended, all other PUD standards remain in place based on the signed 2008 PUD agreement (*other conditions or statement of facts may be inserted here*).

To **deny** PPUDF20-05, John Johnson of Wesney Construction for Chase Bank for a Planned Unit Development amendment on property located at 1580 Anderson Road, Section 7, Bear Creek Township, tax parcel 01-19-07-300-039, to add a drive-through ATM as shown generally on the Amendment to the PUD Master Plan dated Sep 15 2020 based on the facts presented in this case and because: *(reasons must be added here)*.

To **postpone** until the next regular Planning Commission meeting PPUDF20-05, John Johnson of Wesney Construction for Chase Bank for a Planned Unit Development amendment on property located at 1580 Anderson Road, Section 7, Bear Creek Township, tax parcel 01-19-07-300-039, to add a drive-through ATM as shown generally on the Amendment to the PUD Master Plan dated Sep 15 2020, for the following reasons: *(reasons must be added here)*.
BEAR CREEK PLAZA
AMENDMENT TO PUD MASTER PLAN

PART OF SECTION 7, T34N, R5W
BEAR CREEK TWP, EMMET COUNTY, MICHIGAN

SCALE AS INDICATED
AMENDMENT TO PUD MASTER PLAN

ISSUED STATUS: PERMIT
SHEET C-1
REQUEST

PPUDF20-06
A request by John Ledig with Home Depot for a Final Planned Unit Development (PUD) Amendment and Site Plan Review on property located at 1700 Anderson Road in Section 7 of Bear Creek Township. The property is tax parcel 01-19-07-300-040 and is zoned R-1 One & Two-Family Residential, R-2 General Residential with a PUD-1 overlay. The request is to allow outdoor display and storage in accordance with the amended PUD Agreement. The review will be conducted per Articles 17, 20 & 21 of the Zoning Ordinance.

LOCATION
APPLICATION FOR ZONING ACTION
EMMET COUNTY OFFICE OF PLANNING, ZONING, AND CONSTRUCTION RESOURCES
3434 HARBOR-PETOSKEY RD, SUITE E, HARBOR SPRINGS, MI 49740
PHONE: (231) 348-1735 FAX: (231) 439-8933 EMAIL: pere@emmetcountymi.org

SEP 15 2020
DATE RECEIVED
FEE

PLEASE MAKE CHECKS PAYABLE TO: EMMET COUNTY

$300.

PPUDF20-06
APPLICATION #

SEP 15 2020
DATE PAID

Applicant’s Name: JOHN R. LEDIG Phone: 1-231-439-5300
Applicant’s Address: 1700 ANDERSON RD., PETOSKEY, MI 49770
Applicant’s Email Address: JOHN.R.LEDIG@HOMEDEPOT.COM

Owner’s Name: THE HOME DEPOT Phone: 1-770-433-8211
Owner’s Address: 2455 PACES FERRY RD., ATLANTA, GA. 30339
Owner’s Email Address: JOHN.R.LEDIG@HOMEDEPOT.COM

JOB SITE LOCATION:
Township: Clear Creek Tax Parcel #: 24-01-19-07-300-040
Address: 1700 ANDERSON ROAD PETOSKEY, MI 49770

ZONING REQUEST:
Planning Commission:
Special Use Permit
Site Plan Review
Planned Unit Development
Zoning Map Change
Zoning Text Change

REQUIRED USE INFORMATION
Ground floor area main building: 124,000 Sq. Ft.
Floor Area accessory building: __________________ Sq. Ft.
Lot/Parcel Size: __________________ Acres __________________ Sq. Ft.
Site/Plot Plan required:* 2 full sized & 14 reduced sized (max 11"x17") site plans required for Planning Commission cases.

Elevation Drawing
Engineered Drainage Plan
Soil Erosion Permit
Health Dept. Approval/
Sewer Taps

Date Submitted
Site Inventory
Fire Dept Approval
Wetlands Permit
Road Commission/
MDOT Approval

Date Submitted
9-5-2020

Other:
As owner/and or applicant representing the owner, I do X do not authorize Emmet County (staff, appointed board, and/or commissioners, or committee members) to enter upon the subject property for purposes of making inspections related to the project or request identified in this application. If authorized, such inspections or site-walks shall be conducted at reasonable hours and times.

I certify that all the above information is accurate to my fullest knowledge:

Signature of Applicant
Printed Name of Applicant

*Required Signature of Property Owner
Printed Name of Property Owner

EUP of Real Estate
Subject Property Address: 1700 ANDERSON RD. PETERS KEY MI
Subdivision and Lot Number (If Applicable): ___________
Tax Parcel Number: 24-01-19-07-300-090
Township: BEAR CREEK
Proposed Use of Property: REZONING OF ORIGINAL OUTSIDE STORAGE
Proposed Number of Employees: ___________

### SITE PLAN REVIEW CHECKLIST

<table>
<thead>
<tr>
<th>CHECKLIST</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comments</th>
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<tbody>
<tr>
<td><strong>Basic Map Information</strong></td>
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<tr>
<td>1. Proposed site location map (indicate sufficient area reference to</td>
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<td>locate site) May use plat map, Google map or other map to identify</td>
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<td>parcel.</td>
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<td>2. Appropriate scale</td>
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<td>3. Date, North Arrow, Street Names (existing and proposed rights-</td>
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<td>of-way).</td>
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<td>4. Name, Address and Phone Number of person preparing plan</td>
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<td>5. Property line dimensions</td>
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<td><strong>Basic Zoning Information</strong></td>
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<td>6. Zoning setback lines -Building (including the eave) Setbacks: Front</td>
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<td>Side Side Rear/Water</td>
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<td>7. Distance between buildings (nearest point to nearest point)</td>
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<td>8. Location of new buildings and general floor plan Dimensions of</td>
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<td>bldg.(s) = _______ x _______ Total sq.ft. = ___________</td>
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<td>9. Proposed building elevations (to scale) Max. Height = ________</td>
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<td>10. All existing structures (labeled) within 100 feet of perimeter</td>
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<tr>
<td>property lines</td>
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<td>11. Multiple housing units -Number of units = ________, composition</td>
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<td>(efficiency, one bedroom, two, three)</td>
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<td>12. Surrounding zoning (properties immediate to subject site)</td>
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<td>13. Lot coverage of proposed buildings = __________.</td>
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<tr>
<td>Natural Features</td>
<td>yes</td>
<td>No</td>
<td>N/A</td>
<td>Comments</td>
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<td>--------------------------------------------------------------------------------</td>
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<tr>
<td>14 Boundaries of existing natural features (trees, lakes, ponds, streams, rock</td>
<td></td>
<td></td>
<td>✓</td>
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<td>out-croppings, severe topography, wetlands, woodlands, etc.)</td>
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<td>15 Has a wetland permit been applied for?</td>
<td></td>
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<td>✓</td>
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<td>16 Existing topography</td>
<td></td>
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<td>✓</td>
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<tr>
<td>17 Soil analysis Is it in a Critical Dune Area?</td>
<td></td>
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<td>✓</td>
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<td>18 Site Inventory provided?</td>
<td></td>
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<td>✓</td>
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<td>19 Are there scenic view considerations?</td>
<td></td>
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<td>✓</td>
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<tr>
<td><strong>Drainage / Parking/ Roads</strong></td>
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<td>20 Access drives, internal roads (note public or private) service roads.</td>
<td></td>
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<td>✓</td>
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<td>Width of Right-of-Way =</td>
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<tr>
<td>21 Loading/unloading, service areas</td>
<td>✓</td>
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<tr>
<td>22 Sidewalks, paths, and trails (internal and public within road right-of-ways)</td>
<td></td>
<td></td>
<td>✓</td>
<td></td>
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<td>23 Acceleration/deceleration lanes</td>
<td></td>
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<td>✓</td>
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<td>24 Road agency approval?</td>
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<td>✓</td>
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<td>25 Parking areas (dimensioned typical parking space, maneuvering lanes)</td>
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<td>✓</td>
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<td>26 Parking spaces required_____ parking spaces</td>
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<td>✓</td>
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<td>actual_____ Handicap parking location and number_____</td>
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<td>27 Required landscaping in parking areas</td>
<td></td>
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<td>✓</td>
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<tr>
<td>28 Snow storage/snow management plan</td>
<td></td>
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<td>✓</td>
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<tr>
<td>29 Dumpster location, screening indication</td>
<td></td>
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<td>✓</td>
<td></td>
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<tr>
<td>30 Existing easements (utility, access) within site limits</td>
<td></td>
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<td>✓</td>
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<tr>
<td>31 Location of Water/well, Sewer/septic, and stormwater</td>
<td></td>
<td></td>
<td>✓</td>
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<tr>
<td>32 Site grading and drainage plan (on-site elevations for pavements, drives,</td>
<td></td>
<td></td>
<td>✓</td>
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<td>roads, parking lots, curbs, sidewalks and finished grades at building</td>
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<td>facades) Attach a sealed Engineered Drainage Plan.</td>
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<td>Yes</td>
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<td>N/A</td>
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<tr>
<td>33</td>
<td>Estimated cost of drainage work.</td>
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<tr>
<td>34</td>
<td>Proposed retention/detention sedimentation ponds</td>
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<tr>
<td>35</td>
<td>Proposed landscaping (required greenbelts, plant materials/size and type, fences, retaining walls, earthberms, etc.)</td>
<td></td>
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<tr>
<td>36</td>
<td>Location of outdoor lights, pole heights, bollards, building attached, luminary shielding techniques*</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>37</td>
<td>Location of sign(s)*</td>
<td></td>
<td></td>
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<tr>
<td>38</td>
<td>Site amenities (play area, pools, beaches, tennis courts, etc.).</td>
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<td>39</td>
<td>Impact Statement attached?</td>
<td>[✓]</td>
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<td>40</td>
<td>Fire Department approval?</td>
<td>[✓]</td>
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<td>41</td>
<td>Fire hydrants and fire vehicle access.</td>
<td>[✓]</td>
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<td>42</td>
<td>Road Agency approval?</td>
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<td>43</td>
<td>Health agency approval?</td>
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<td>44</td>
<td>Army Corps of Engineers approval?</td>
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<td>45</td>
<td>Michigan Department of Environmental Quality approval?</td>
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</tbody>
</table>

*Signs and lights will need to be approved by the Emmet County Sign and Lighting Committee.

ADDITIONAL COMMENTS:

Applicants Signature: [Signature]
Date: 9/15/2020
IMPACT STATEMENT
FOR SITE PLAN REVIEW

APPLICANT'S NAME  John R. LeDiz
PROPERTY TAX ID  # 24-01-19-07-300-040
TOWNSHIP  Bear Creek

PHONE NUMBER  231-439-5300
DATE  9.8.2020

PROJECT TITLE  Home Depot

DIRECTIONS TO APPLICANT
BELOW ARE THE REQUIREMENTS TO CONFORM TO SECTION 20.04, IMPACT STATEMENT, OF THE EMMET COUNTY ZONING ORDINANCE #15.1. THESE ITEMS MUST BE ADDRESSED AND SUBMITTED WITH THE SITE PLAN AT LEAST 24 DAYS PRIOR TO THE PLANNING COMMISSION MEETING IN ORDER TO BE PLACED ON THE FOLLOWING MONTH'S AGENDA. (REGULAR MEETING DATE IS THE FIRST THURSDAY OF THE MONTH.) ITEMS LISTED ARE MINIMUM REQUIREMENTS, AND ADDITIONAL INFORMATION MAY BE SUBMITTED TO DESCRIBE THE PROJECT IMPACT.

1. PROJECT DESCRIPTION
Give a description of the proposed development including: Site area, number of proposed lots and/or units, population density, other pertinent population data, vehicle traffic, and related.

Addition to outdoor storage and Seasonal display to existing Home Depot. No additional vehicle traffic will be added with this request.
2. EXPECTED DEMANDS ON COMMUNITY SERVICES

Explain what the impact will be on the following community services and describe how services will be provided (if applicable):

a. Sanitary Services
   - Existing

b. Domestic Water
   - Existing

c. Traffic Volumes
   - None added

d. Schools
   - None

e. Fire Protection
   - City water with hydrants

3. ENVIRONMENTAL IMPACTS

Include statements relative to the impact of the proposed development on (if applicable):

a. Soil Erosion
   - None

b. Storm Drainage
   - Existing

c. Shoreline Protection
   - N/A

d. Wildlife
   - N/A

e. Air Pollution
   - N/A

f. Water Pollution
   - N/A

g. Noise
   - None
FIRST ADDENDUM TO
PLANNED UNIT DEVELOPMENT AGREEMENT
BEAR CREEK PLAZA PHASE I, PHASE II, PHASE III

WHEREAS, the parties previously entered into the “Planned Unit Development Agreement – Bear Creek Plaza Phase I, Phase II, Phase III (the Agreement), with the last signature of the Agreement by the then Emmet County Chair of the Emmet County Board of Commissioners on April 10, 2008; and

WHEREAS, the Developer or Owner has requested some changes to the Agreement that appear to be reasonable; and

WHEREAS, the parties agree to making changes to the Agreement by way of this Addendum; and

WHEREAS, it is in the mutual interests of both parties to amend the Agreement.

AGREEMENT

THEREFORE, the parties agree as follows:

1. Section 16 of the Agreement currently reads:

   16. The Secondary Parcel bounded to the east by US-131, the west by Anderson Road and to the south by Lears Road, shall be restricted to R-2B uses as presently documented in the Emmet County Zoning Ordinance, provided, however, that up to three (3) sit down-type restaurants shall be permitted for that area and per site plan review of each building.

2. Section 16 of the Agreement is amended to read as follows:

   16. The Secondary Parcel bounded to the east by US-131, the west by Anderson Road and to the south by Lears Road, shall be restricted to R-2B uses as presently documented in the Emmet County Zoning Ordinance, provided, however, that up to three (3) restaurants (including drive-thru restaurants) shall be permitted for that area and per site plan review of each building.

3. Section 23 of the Agreement currently reads:

   23. Outdoor sales activity including tents, awnings, trailers and the like shall be regulated as follows:
   
   A. Permitted in fenced areas of the garden and sales centers, as shown on the approved site plan.
   B. Retail plant materials may be displayed on the sidewalk at the garden centers provided safe and adequate pedestrian walking space remains.
C. No other outdoor sales or display of merchandise and no outdoor vending machine sales or display.
D. No outdoor display or sales by itinerant merchandisers, such as but not limited to furniture items, art works, fire works, pottery crafts, etc.
E. Rental vehicles of the businesses on site may not be parked in the front of any building, but may be parked behind the buildings.

4. Section 23 of the Agreement is amended to read as follows:

23. Outdoor sales activity including tents, awnings, trailers and the like shall be regulated as follows:
   A. Permitted in fenced areas of the garden and sales centers, as shown on the approved site plan.
   B. Retail plant materials may be displayed on the sidewalk at the garden centers provided safe and adequate pedestrian walking space remains.
   C. Limited outdoor sales or display of merchandise may be permitted in front of stores as shown on an approved site plan provided safe and adequate pedestrian walking space remains. Limited outdoor storage may be permitted behind stores as shown on an approved site plan.
   D. No outdoor display or sales by itinerant merchandisers, such as but not limited to furniture items, art works, fireworks, pottery crafts, etc. No outdoor vending machine sales or display is permitted.
   E. A maximum of three (3) rental vehicles offered by any of the businesses on site may be parked in the front of any building.

All outdoor display and storage must be shown on a site plan and may be permitted by the Planning Commission. Fire Chief review is required prior to Planning Commission review.

In all other respects, the Agreement last dated April 10, 2008 is still in full force and effect except as changed by this First Addendum.

DEVELOPER OR OWNER:

RLG BEAR CREEK LLC

[Signature]
Todd M. Duplain, President

[Signature] [Signature] [Signature]
Witness Witness Date

GCG BEAR CREEK LLC

[Signature]
Glenn C. Gunlock, Managing Member

[Signature] [Signature] [Signature]
Witness Witness Date
EMMET COUNTY:

John Eby, Chair
Emmet County Planning Commission

William L. Shorter, Chair
Emmet County Board of Commissioners

Patricia Conti 7/16/20
Witness  Date

Date

6/9/2020
SUPPLEMENTAL/SUPERSEDING
PLANNED UNIT DEVELOPMENT AGREEMENT
BEAR CREEK PLAZA PHASE I, PHASE II, PHASE III

PARTIES OF INTEREST
This Planned Unit Development (PUD) Agreement is an agreement between the following parties of interest, relative to a proposed development and expansion of the retail shopping center project identified by Emmet County Zoning Case #124H-94 affecting Tax Parcels numbered 24-01-19-07-300-020, 029, 037, 038, 039, 040, 041, 042, 047, 048, 049, 380-101 and 380-102. This Agreement is an amendment to, and a replacement of, a previous Three Party Planned Unit Development Agreement between the developer, RG Properties, Inc., Bear Creek Township, and Emmet County, previously known as Emmet County Zoning Case #124-94 and Supplemental Planned Unit Development Agreement, Bear Creek Township Case #P-00-01. This Agreement supersedes and replaces in their entirety the prior agreements, the approved PUD Master Plan, and the prior Supplemental Planned Unit Development Agreement. The parties of interest are:

Party No. 1  The Developer or Owner
RLG Bear Creek LLC and GCG Bear Creek LLC
c/o RG Properties, Inc.
8163 Old Yankee Road, Suite B
Dayton, OH 45458

Party No. 2  The County
The County of Emmet
County Building
200 Division Street
Petoskey, MI 49770

It is understood the owner/developer may assign any and all rights or interests to a party or parties other than Party No.1, but such assignments shall carry the terms of this PUD Agreement (or supplements which may be made to this agreement) as binding and running with the land. Owner/developer shall notify Emmet County of any such assignment.

PURPOSES
The purpose of this Agreement is to obtain good faith performance and ensure that the shopping center project, as approved pursuant to the PUD Mixed-Use Master Plan (Preliminary & Final, as amended), and subsequent Site Plan(s), are constructed and maintained in accordance with all of the approval motions and conditions of Emmet County. The original approval motions made by Emmet County for the Final PUD Master Plan identified a Primary Parcel, being tax parcel no. 24-01-19-07-300-001 and a Secondary Parcel, being tax parcel no. 24-01-19-07-300-016, with development phases. The amendment to the Final PUD Master Plan includes new Tax Parcel Numbers in the Primary Parcel as being 24-01-19-07-300-029, 037, 038, 039, 040, and 041 and the Secondary Parcel as being Tax Parcel Numbers 24-01-19-07-300-020, 042, 047, 048, 049, 380-101 and 380-102. All the parcels shall be considered one Zoning Lot for the purposes of this agreement and as of this date, the secondary parcel is approved under the preliminary PUD Master Plan procedures and is restricted as provided for in this Agreement.
BACKGROUND
The developer, Party No. 1, received approval for a Final Mixed-Use Planned Unit Development-1 (PUD-1) by the Emmet County Board of Commissioners on October 12, 1995. A PUD Agreement titled “Three Party Planned Unit Development Agreement” was established and has remained in place since 1995.

On January 10, 2000, the Bear Creek Township Interim Zoning Ordinance became effective. During the Interim Zoning Administration, Bear Creek Township approved a PUD-1 amendment and a PUD agreement titled “Supplemental Planned Unit Development Agreement – Bear Creek Plaza” was established and remained in place until the Interim Zoning Ordinance expired on January 10, 2003.

This Agreement is created to combine the standards created by Emmet County in 1995 with those established by Bear Creek Township in 2000. The Emmet County Planning Commission approved this Agreement on December 6, 2007. The Emmet County Board of Commissioners approved this Agreement on February 7, 2008. Upon execution of this Agreement by both Party No. 1 and Party No. 2, this Agreement shall thereafter be the sole controlling document with respect to the development and expansion of the retail shopping center project on the subject land.

CONDITIONS
The following conditions and requirements shall run with the land, and as such are obligations upon the current owner(s) or such other persons and/or entities who remain or who subsequently become owners of any part or all of the subject land encompassed in the Preliminary and Final PUD Mixed Use Master Plans.

1. The Final PUD Master Plan dated 8/26/96 and originally approved by the Emmet County Planning Commission on 10/3/96 and the amended Master Plan dated 2/11/00 and originally approved by the Bear Creek Township Planning Commission on 3/1/00, as approved per Article XVIII and Section 2405 of the Emmet County Zoning Ordinance, are incorporated herein, with all notations and graphic illustrations contained thereon. The Final PUD Master Plan dated 12/10/07 (a copy of which is attached hereto as Exhibit A) is the currently approved Master Plan.

2. Any future expansion of the Phase III building on the primary parcel shall contain similar design elements as the existing buildings and shall incorporate a façade that will break up the long front wall of the building. The use of sidewalk landscaping may be incorporated into the plans to help break up the façade. The building façade shall be built in accordance with the approved elevation drawings presented at the 12/1/05 Emmet County Planning Commission meeting and which are on record as being part of the site plan approved. Minor modifications may be submitted to the Emmet County Planning Department. Any material modification will be subject to subsequent Planning Commission approval.

3. In addition to the Landscape Plans approved by the Emmet County Planning Commission, the following shall be required to be shown on landscape plans at the time of submission of applications for Zoning Permits and installed in accordance with the following provisions:

   A. The plantings and other landscape features detailed on the approved drawings from the 12/1/05 Emmet County Planning Commission meeting and which are on record
as being part of the site plan approved, must be installed as shown on the plans within three (3) months of the completion of any building, but prior to the occupancy of any building, and in no event later than one (1) year after the building permit is issued.

B. Any portion of the site disturbed by grading and on which no construction occurs during any six month period shall be planted with appropriate ground cover and properly maintained as approved by the Soil Erosion Control Officer.

C. Where Site Plans have not been approved, final landscape plans shall not be required until the time the Site Plans are reviewed by the Emmet County Planning Commission. These final landscape plans should represent the overall concept plan for the development and fit in naturally with the other approved plans within the development.

D. Perpetual maintenance of landscaping shall be provided and any dead or diseased materials shall be removed and replaced with similar types, species and sizes, as originally planted, within 6 months, weather permitting.

E. An irrevocable letter of credit or other performance guarantee approved by the County in an amount as reasonably determined by the County through the use of an independent, certified engineer or landscape architect, to ensure completion of the screening and landscaping contemplated by this Agreement, must be submitted prior to the release of any building permits in order to ensure the installation of the required landscaping in accordance with the approved landscape plan. The amount of the performance guarantee shall be equal to or greater than the estimate of the cost of material and the installation of landscaping and shall remain in effect until such time as the landscaping has been completed, as determined by the Emmet County Zoning Administrator. Upon determination by the County that the landscaping has been completed, the owner or developer may request release of the surety instrument provided. Normal and approved parking lot landscaping for Phase III shall not require a bond.

F. Landscaping shall conform to, but may be more than, the landscaping shown on the approved PUD plan, and will be reviewed for approval at the time of Site Plan Review.

4. All signs for walls and the freestanding signs for businesses in the Secondary Parcel shall be in accordance with the Emmet County Zoning Ordinance standards and be approved by the Emmet County Sign & Lighting Committee.

A freestanding sign, to be jointly used, as approved by Emmet County Case #124D-94 is permitted for the Primary Parcel, to be located on the Secondary Parcel as shown on the PUD Master Plan. No other billboards or off-premises signs shall be erected in the PUD project on either the Primary or Secondary Parcels. A freestanding sign, as approved on 9/7/06 by Emmet County Case #124G-94 is permitted for 1364 Plaza Drive, tax parcel 24-01-19-07-300-047 located in the Secondary Parcel.
5. Freestanding light standards in the shopping center parking lot, and in the outlot areas, shall not exceed thirty (30) feet in height. Perimeter lighting standards shall not exceed a height of twenty (20) feet. All outdoor lights shall have a full cut-off design with horizontally aligned flush mounted lens, designed and/or directed away from all adjacent properties and uses and further shall not glare upon or interfere with persons and vehicles using public streets. All proposed outdoor lighting shall be approved by the Emmet County Sign & Lighting Committee.

6. All on-site electrical and communication conduits shall be placed in-ground rather than overhead, including existing local power lines on Anderson Road which borders or runs along or exists on any portions of the PUD project site.

7. At the time of application for a Zoning Permit, letters or statements must be submitted from the utility providers that the project can and will be supplied, by utilities including, but not limited to, municipal water and sewer. Approval of the buildings by the local fire protection agency having jurisdiction must also be demonstrated at that time.

8. The height of all buildings shall be permitted to be the higher of: A.) thirty (30) feet as regulated in the Zoning Ordinance or B.) as depicted on the approved building elevation sketches submitted with the Final PUD Master Plan or subsequent approved site plans.

9. Barrier type concrete curbing shall be installed along all on-site entrance roads to the project. In addition, all parking areas shall have concrete curbing installed around the perimeter as well as concrete curbing around all landscaped islands including those islands at the end of all parking bays, except in those areas approved for snow storage. These parking bay islands shall be landscaped as indicated on the approved landscaping plan.

10. Debris and trash shall be routinely collected on a weekly basis by the owner from the parking lot and grounds of all areas of the project including the infiltration basins. The County reserves the right to require more frequent collection as necessary. Space for a recycling drop-off type convenience center will be provided to serve shoppers. Debris/trash containment fencing shall be installed along the southerly property line where parking lots, loading areas, and/or service bay access roads are located. Ongoing maintenance of the infiltration basins and detention ponds shall be the obligation and responsibility of the owner of the shopping center property. Sediment shall be removed from the infiltration and detention basins and properly disposed of periodically during construction as reasonably required by the County in accordance with sound engineering practices. Thereafter, the maintenance obligation of the owner shall include similar sediment removal, as may be similarly required, and the owner shall keep the basins and all on-site drainage areas and facilities in good operating condition.

11. No direct motor vehicle driveway access from the project site onto Cemetery Road shall be permitted except as shown on the Final PUD Master Plan dated 12/10/07 (Exhibit A). Access from Cemetery Road will be the primary access for the future R2-B use area as depicted on the PUD Master Plan. The owner of the development shall secure an easement that allows for access between the theater lot and Anderson Road through the depicted future
R-2B use area. Such access shall not provide straight or unimpeded access from the theater lot to Cemetery Road, but shall provide for emergency access. The intent of this provision is to provide emergency access between the theater lot (and subsequently the rest of the commercial development) and Cemetery Road, but not to have such access as a main entrance/exit of the commercial uses along Anderson Road.

12. All public road improvements required for County Roads including but not limited to all costs associated with preliminary and final engineering, preparation and completion of construction plans and bid documents, and including signage, pavement markings, and traffic signal and coordination thereof required as a result of this development shall be the responsibility of the owner. Any new requirements by the Emmet County Road Commission for road improvements shall be completed in accordance with the standard practices of the Road Commission, including turn lanes on Anderson Road immediately in front of the property. No additional off-site improvements will be required. As of the date of this Agreement, this requirement has been completed satisfactorily.

13. All costs for any improvements (including but not limited to all costs associated with preliminary and final engineering, preparation and completion of construction plans and bid documents) to be constructed within the right-of-way area of US-131 as approved by the State of Michigan shall be the obligation of the owner. Provided, however, such costs may be shared by the Northern Michigan Hospitals Subsidiary, Healthshares, Inc. and the Little Traverse Bay Bands of Odawa Indians to be based upon their relative impact on US-131. As of the date of this Agreement, this requirement has been completed satisfactorily.

14. No occupancy permit from Bear Creek Township Building Official is to be issued for any structure within the Bear Creek Plaza project area until the required improvements within the right-of-way of US-131, Anderson Road and Lears Road are substantially completed, operational or properly secured as determined by the Emmet County Road Engineer and the Michigan Department of Transportation (MDOT) as applicable. As of the date of Supplemental Agreement Volume 2, this requirement has been completed satisfactorily.

15. Once the project is started, the Final PUD Master Plan as amended and attached hereto as Exhibit A shall remain in effect for all areas of the plan shown on the Primary and Secondary Parcel.

16. The Secondary Parcel bounded to the east by US-131, the west by Anderson Road and to the south by Lears Road, shall be restricted to R-2B uses as presently documented in the Emmet County Zoning Ordinance, provided, however, that up to three (3) sit down type restaurants shall be permitted for that area and per site plan review of each building.

17. The area shown on the approved Final PUD Master Plan as “Cinema” allows for theater uses as well as all permitted and special uses allowed in the R-2B district of the Emmet County Zoning Ordinance.

18. The following greenbelt setbacks shall be applied to the development:

   A. East property line along US-131 - 100' wide
B. North property line of the entire development - 100' wide
C. South property line between Anderson & Cemetery Roads - 30' wide
D. West property line along Cemetery Road - 100' wide
E. East and west sides of Anderson Road – 50' wide

19. All building fronts or faces in the Shopping Center area shall have custom veneer brick fronts (east elevation) and shall be in substantial compliance with color rendered elevations dated 8/8/95 for the Wal-Mart Store and dated 8/11/95 for the balance of phase one of the shopping center and displayed at Public Hearings leading to Final PUD Master Plan approval and made a part of this Agreement by reference. Open-end walls shall be treated to have a finished appearance, i.e., at least painted to match the facade. The standard or typical gray color tone for Wal-Mart stores shall not be used in the proposed shopping center complex, on either the Primary or Secondary Parcels.

All building facades shall be built in compliance with the approved site plan and to the specifications shown for each individual elevation and facade drawings presented for those approvals. The Phase III elevations were stamped as part of site plan approval on 12/1/05 with the condition that the total east face is bricked to match the rest of the proposed east facade and the rest of the building is painted to match the facade.

20. All buildings in the “Shopping Center Area” shall be permitted to increase or decrease in depth limited by the expansion lines shown on the approved PUD Site Plan. Plans that deviate from these expansion criteria will be considered revised site plans and will require approval by Emmet County Planning Commission.

21. Parking for the development shall be provided so that there is a minimum of 4.0 cars and a maximum of 5.0 cars per one thousand square feet of gross leaseable area. Certain stalls may be deferred if shown on the approved Site Plan for the individual buildings or lots. If it is shown by the applicant or County, over a period of time, that the deferred spaces are needed, the Zoning Administrator may require the increase in parking area. The applicant may install the deferred spaces, but only after applicant has applied for a Zoning Permit and such zoning permit has been issued by the Zoning Administrator; provided, however, the entire Phase III parking lot can be constructed at the time any portion of the Phase III buildings are constructed.

22. Right-of-ways and/or easements for non-motorized trails (as bikeways) shall be permitted on the Developer’s or Owner’s property and generally parallel public roads, or on separate adjacent parcels, in specific locations that are mutually agreeable to Emmet County and the Developer and may be permitted in the setback.

23. Outdoor sales activity including tents, awnings, trailers and the like shall be regulated as follows:
A. Permitted in fenced areas of the garden and sales centers, as shown on the approved site plan.
B. Retail plant materials may be displayed on the sidewalk at the garden centers provided safe and adequate pedestrian walking space remains.
C. No other outdoor sales or display of merchandise and no outdoor vending machine
sales or display.

D. No outdoor display or sales by itinerant merchandisers, such as but not limited to furniture items, art works, fire works, pottery crafts, etc.

E. Rental vehicles of the businesses on site may not be parked in the front of any building, but may be parked behind the buildings.

24. Overnight camping and overnight parking is prohibited anywhere on site unless approved for a local event by the Zoning Administrator, provided however, trucks/rental vehicles may park behind the buildings overnight as necessary.

25. The PUD Project may be constructed in phases or stages, and it is understood by this Agreement, that the parking, landscaping, and lighting elements of the plan may be constructed in proportion to the approved phase as defined on the Zoning and/or Occupancy Permit other than as detailed in paragraph 21 above.

The Final PUD Master Plan (Exhibit A) as approved shall take immediate effect upon the execution of this PUD Agreement, to assure that all approval stipulations are, in fact, implemented and including the proper maintenance of all required and Owner provided landscaped areas, and all storm drainage systems.

This Agreement supersedes and replaces in their entirety the prior agreements, approved PUD Master Plans, and the Supplemental Planned Unit Development Agreement. This Agreement shall hereafter control the development and expansion of the retail shopping center project on the subject land.

The undersigned representative(s) of the Developer or Owner certifies that he or she is duly authorized to sign this agreement on its behalf.

DEVELOPER OR OWNER:

RLG BEAR CREEK LLC

[Signature]
Randall L. Gunlock, Managing Member

[Signature] Witness
4/1/03 Date

GCG BEAR CREEK LLC

[Signature]
Glenn C. Gunlock, Managing Member

[Signature] Witness
4/1/08 Date

EMMET COUNTY:

[Signature]
John Bby, Chair
Emmet County Planning Commission

[Signature] Witness
4/3/08 Date
EXHIBIT A
FINAL PUD MASTER PLAN (AS AMENDED)
APPLICANT: JOHN LEDIG – HOME DEPOT
PROPERTY: 1700 ANDERSON RD
TOWNSHIP: BEAR CREEK
REQUEST: Planned Unit Development-Final Amendment and Site Plan Review

FACTS:
- The property is zoned R-1 One & Two Family Residential, R-2 General Residential with a PUD-1 overlay.
- The PUD was originally established in 1994. It was amended in 2000 when Bear Creek Township administered its own zoning. It was amended again in 2008 and 2020. Site Plans have been reviewed individually as construction progressed and changes occurred.
- Current PUD Agreement (2008) and Addendum (2020) to the PUD are provided with this evaluation.
- The entire PUD area includes six parcels totaling 62.5 acres north of Lear's Rd east of Cemetery Rd and west of Anderson Rd and six parcels totaling approximately 20 acres north of Lear's Rd, west of US 131 Hwy and east of Anderson Rd. The entire PUD is approximately 83 acres and includes underlying zoning districts of R-1, R-2 and B-2.
- The site of the proposed change is the Home Depot (14 acres +/-).
- This is a Final PUD and Site Plan review.
- The review is to allow additional outdoor storage and display.
- No new accesses are proposed.
- The perimeter setbacks would all be maintained as currently approved.
- All adjacent uses are commercial.

ZONING ORDINANCE STANDARDS:
SEE PUD STANDARDS – Article 17 of the Zoning Ordinance

Site Plan Review – Article 20

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<th>SITE PLAN CONTENT</th>
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<tr>
<td>Section 20.03. Site Plans submitted in compliance with this Ordinance shall be presented in terms of the following:</td>
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<tr>
<td><strong>Standard</strong></td>
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<tr>
<td>A. A map scale that provides a large enough image to adequately display the proposed site development and pertinent details, and</td>
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existing site features considering legibility and site area.

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<th>Standard</th>
<th>Finding</th>
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<tr>
<td>B. Date, north point, scale, property dimensions, boundary lines, street names, and necessary property identification information.</td>
<td>Partially provided. Notations/updates not identified as to who prepared/provided information.</td>
</tr>
<tr>
<td>C. At least two full sized and fourteen reduced size (maximum 11”x17”) copies of all maps or graphics. Digital format including data layers may be required, if considered necessary by the Zoning Administrator.</td>
<td>Provided.</td>
</tr>
<tr>
<td>D. All existing and all proposed structures with dimensions on the subject property, including signs and lighting, other structures within 100 feet of the subject property, ingress drives, roads and parking areas; and indicate the height of all structures.</td>
<td>Provided and existing.</td>
</tr>
<tr>
<td>E. Setback lines and distances between structures and lot lines.</td>
<td>Provided.</td>
</tr>
<tr>
<td>F. All existing easements, utility lines, rights-of-way and other services, including well and septic locations, within and bordering the subject property.</td>
<td>Provided/existing – no change.</td>
</tr>
<tr>
<td>G. Topography information based on United States Geological Survey (USGS), or selected on-site elevations, if considered necessary by the Zoning Administrator. More detailed information may be required where the Planning Commission determines that the site and use warrant a more critical review of topography.</td>
<td>No change proposed.</td>
</tr>
<tr>
<td>H. Mapping of soil data as recognized in the United States Department of Agriculture, Soil Survey of Emmet County, Michigan (December 1973), or a more detailed analysis of soils, shall be included. Soil data and analysis should include engineering interpretations as to the suitability for the construction and maintenance of roads, building foundations, facilities for storing water, structures for controlling erosion, drainage systems, and systems for disposing of sewage. In addition, soil properties should include permeability, drainage, depth to water table, flooding hazard, depth to bedrock, and slope. More detailed information may be required where the Planning Commission determines that the site and use warrant a more critical review of the soils.</td>
<td>No change.</td>
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I. An inventory of special site features that may be present including, but not necessarily limited to regulated wetlands as defined in law, critical dunes, bluff lines, wooded areas, water courses, and natural or man-made drains, as are known to the applicant or as may be suspected based on reviews of soil maps, aerial photographs, USGS Quadrangle maps, on-site inspections, and/or other competent sources. N/A.

J. Location and height of all walls, fences and screen planting, including a general plan for the landscaping of the development and the method by which landscaping is to be accomplished and be maintained, if required. Provided. No changes proposed.

K. Description and location of any existing or proposed outdoor storage facilities (above ground and below ground storage). Locations indicated on the plan. Not drawn to-scale. Notations show partial dimensions.

L. The location of snow storage areas. No changes.

M. All site plans shall comply with the terms of Part 91, Soil Erosion and Sedimentation Control, 1994 PA 451. N/A.

N. Site plans shall be prepared to reflect any changes or modifications required for any applicable regulatory agencies' approvals. None Noted.

Draft Motions:

To approve PPUDF20-06, John Ledig for Home Depot for a Planned Unit Development amendment on property located at 1700 Anderson Road, Section 7, Bear Creek Township, tax parcel 01-19-07-300-040, to add outdoor display and storage as noted on the site plan dated Received SEP 15 2020 based on the facts presented in this case and because the Final PUD plan is consistent with the amendments to the PUD approved, and last signed on 7/10/20, and all site plan standards have been met (other conditions or statement of facts may be inserted here).

To deny PPUDF20-06, John Ledig for Home Depot for a Planned Unit Development amendment on property located at 1700 Anderson Road, Section 7, Bear Creek Township, tax parcel 01-19-07-300-040, to add outdoor display and storage as noted on the site plan dated Received SEP 15 2020 based on the facts presented in this case and because: (reasons must be added here).

To postpone until the next regular Planning Commission meeting PPUDF20-06, a Planned Unit Development Final PUD amendment on property located at 1700 Anderson Road within Section 7, Bear Creek Township, tax parcel 01-19-07-300-040 as noted on the site plan dated Received SEP 15 2020 to allow the applicant time to provide an updated drawn to-scale site plan and: (additional reasons may be added here).
BEAR CREEK PLAZA
AMENDMENT TO PUD MASTER PLAN

PART OF SECTION 7, T34N, R5W
BEAR CREEK TWP, EMMET COUNTY, MICHIGAN

PARKING
EXISTING PARKING: 16 ADA SPACES + 310 SPACES = 326 TOTAL SPACES

GROSS FLOOR AREA: 15,290 SF

PARKING REQUIRED:
MINIMUM 4 SPACES PER 1000 SF GROSS LEASABLE AREA
MAXIMUM 3 SPACES PER 1000 SF GROSS LEASABLE AREA

PROPOSED PARKING:
16 ADA SPACES + 344 SPACES = 360 TOTAL SPACES

ATM STANDING:
(5) 10-FOOT STANDING SPACES PROVIDED

SCALE
AS INDICATED

AMENDMENT TO PUD MASTER PLAN

BEAR CREEK PLAZA
1608 ANDERSON RD
PETOSKY, MI 49770

SCALE
AS INDICATED

ISSUED STATUS: PERMIT

CHASE
1608 ANDERSON RD
PETOSKY, MI 49770

DLZ
876 HAMILTON ROAD
COLUMBUS, OH 43220
PHONE: (614) 888-1000

MISSING HEART
1608 ANDERSON RD
PETOSKY, MI 49770
EMAIL: ldsnpdscp@juno.com
PHONE: (810) 213-8699

APPRECIATION/JOURNAL
707 MANSFIELD
COLUMBUS, OH 43260
PHONE: (614) 562-2000

PLANNED LAND USE:
BEAR CREEK TOWERS LLC
1550 NORTHLAKE DR
GRAND BLANC, MI 48439
PHONE: (810) 744-0971

TARKI
PARK AVENUE SKYSCRAPERS LLC
200 PLEASANT STREET
COLUMBUS, OH 43215
EMAIL: TARKISP@CMU.COM
PHONE: (614) 294-8497

NORTH
REQUEST

PPUD20-002

A request by D. A Pearson Holdings LLC on property owned by William and Donald W McMaster for a Preliminary Planned Unit Development (PUD) rezoning on vacant property located directly north of 6977 M-68 Hwy, Section 10 of Littlefield Township. The property is zoned R-2 General Residential and is tax parcel 24-07-17-10-200-018. The request is to rezone to PUD to allow the Principal and Special Uses listed in the R-2 Zoning District, outdoor storage and storage buildings. Review will be per Article 17 and Section 27.11 of the Zoning Ordinance.

LOCATION
APPLICATION FOR ZONING ACTION
EMMET COUNTY OFFICE OF PLANNING, ZONING,
AND CONSTRUCTION RESOURCES
3434 HARBOR-PETOSKEY RD, SUITE E, HARBOR SPRINGS, MI 49740
PHONE: (231) 348-1735 FAX: (231) 439-8933 EMAIL: pzcrc@emmetcounty.org

FEE
PLEASE MAKE CHECKS PAYABLE TO: EMMET COUNTY

Applicant’s Name: D.A. Pearson Holdings LLC Phone:

Applicant’s Address:

Applicant’s Email Address:

Owner’s Name: Daniel and Lynne Pearson Phone: 231.330.1598

Owner’s Address: 1426 Catabo Road, Harbor Springs MI 49740

Owner’s Email Address: dapearson95 @ yahoo.com

JOB SITE LOCATION:
Township: Littlefield Tax Parcel #: 24-07-17-10-200-018
Address: M-68, Alanson MI 49706

ZONING REQUEST:
Planning Commission:
Special Use Permit [ ]
Site Plan Review [ ]
Planned Unit Development [X]
Zoning Map Change [ ]
Zoning Text Change [ ]

REQUIRED USE INFORMATION
Ground floor area main building: ______ Sq. Ft.
Floor Area accessory building: ______ Sq. Ft.
Lot/Parcel Size: ______ Acres ______ Sq. Ft.
Site/Plot Plan required* 2 full sized & 14 reduced sized (max 11”x17”)
site plans required for Planning Commission cases.

Describe Request:
PUD property to be used for outside storage/boathouse
and two pole barns

*Please attach a site/plot plan to show; property dimensions; front, rear, and side
yard setbacks; streets, roads, and all
buildings on the lot.
Review Section 2405 of the Zoning
Ordinance for Site Plan requirements.

Elevation Drawing [ ] Date Submitted: 
Engineered Drainage Plan [ ] Site Inventory [ ] Date Submitted: 
Soil Erosion Permit [ ] Fire Dept Approval [ ]
Health Dept. Approval/ [ ] Wetlands Permit [ ]
Sewer Taps [ ] Road Commission/ [ ]

Other:
As owner/and or applicant representing the owner, I do [X] do not [ ] authorize Emmet County (staff, appointed
board, and/or commissioners, or committee members) to enter upon the subject property for purposes of making
inspections related to the project or request identified in this application. If authorized, such inspections or site-
walks shall be conducted at reasonable hours and times.

I certify that all the above information is accurate to my fullest knowledge:

Signature of Applicant: ___________________________ Print Name of Applicant: Daniel Pearson
Date: 9/9/2020

*Required Signature of Property Owner
This map is meant to be used for reference purposes only. It is not a site-specific wetland delineation.
Future Land Use Map
Table 10-1: Future Land Use Categories as related to the County Zoning Ordinance

<table>
<thead>
<tr>
<th>Future Land Use</th>
<th>Zoning Ordinance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural Residential (RR)</td>
<td>Forest Recreation (FR)</td>
</tr>
<tr>
<td>Low Density Residential (LDR)</td>
<td>Farm Forest (FF-1 and FF-2)</td>
</tr>
<tr>
<td>Medium Density Residential (MDR)</td>
<td>One Family Residential (R-1A and R-1B), General Residential (R-2A), Recreation Residential (RR-1 and RR-2), and Scenic Resource (SR-1 and SR-2)</td>
</tr>
<tr>
<td>High Density Residential (HDR)</td>
<td>General Residential (R-2A, R-2B, and R-2C)</td>
</tr>
<tr>
<td>Mixed Use (MU)</td>
<td>General Residential (R-2B and R-2C), Local-Tourist Business (B-1), General Business (B-2), Parking Transition (P-T)</td>
</tr>
<tr>
<td>Light Commercial (LC)</td>
<td>Local-Tourist Business (B-1), General Residential (R-2B and R-2C)</td>
</tr>
<tr>
<td>General Commercial (GC)</td>
<td>General Residential (R-2B, R-2C), Local-Tourist Business (B-1), General Business (B-2), Commercial/Industrial (B-3), Parking Transition (P-T)</td>
</tr>
<tr>
<td>Industrial (I)</td>
<td>Commercial/Industrial (B-3), Light Industrial (I-1), General Industrial (I-2)</td>
</tr>
<tr>
<td>Planned Unit Development (PUD-1 and PUD-2) may be applied to any future land use category listed above.</td>
<td></td>
</tr>
</tbody>
</table>
DATE: 10/20/2020 CASE #: PPUD20-02

APPLICANT: D A Pearson Holdings LLC

PROPERTY: M-68 Hwy – North of 6977 M-68 (Louie’s Market)

TOWNSHIP: LITTLEFIELD

REQUEST: Planned Unit Development – Rezone

FACTS:
- The property is vacant and is located north of Louie’s Market on M-68 (6977 M-68).
- The property is zoned R-2 General Residential.
- The request includes one property totaling approximately 10 acres.
- The property has access to M-68 Hwy through a private easement.
- The proposal is to rezone the property to PUD to allow all R-2 uses (both principal and special land uses) plus outdoor storage and storage/warehouse buildings.
- This is a Preliminary PUD review – rezoning. The Township approval is necessary. Final approval is by the Emmet County Board of Commissioners.
- No changes to the perimeter setback of fifty feet is proposed.
- There appears to be wetland in the northwest corner of the property.
- If the Preliminary PUD is approved, then the applicant could proceed with a Final PUD Plan and Site Plan Review by the Planning Commission.
- Surrounding uses include vacant land on the north, east and west. The use to the south is retail/gas/grocery. There are residences on the parcels to the east and west which are south of this property.
- Property shows as “Mixed Use” on the Emmet County Future Land Use Map.
- Littlefield Township corridor plan shows the property as “PUD”.
- See Emmet County Master Plan and excerpt of Future Land Use Map and Zoning Plan.

ZONING ORDINANCE STANDARDS:

SEE PUD STANDARDS (10 pages)

27.11.1 Rezoning Standards

The Planning Commission shall review and apply the following standards and factors in the consideration of any rezoning request.

<table>
<thead>
<tr>
<th>Review Standards</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Is the proposed rezoning consistent with the current Master Plan?</td>
<td>Master Plan shows this property as “mixed use”</td>
</tr>
<tr>
<td>B. Are all of the allowable uses in the proposed district reasonably consistent with surrounding uses?</td>
<td>The property abuts R-2 zoning district to the west, FF-1 to the north and west, B-1 to the south. The outdoor storage and storage buildings are special land uses within the B-2</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Zoning District. Boat repair and storage is a Special Land Use in the B-1 Zoning District.</td>
<td>Commercial impact in area of residential uses (east).</td>
</tr>
<tr>
<td>C.</td>
<td>Will there be an adverse physical impact on surrounding properties?</td>
</tr>
<tr>
<td>D.</td>
<td>Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?</td>
</tr>
<tr>
<td>E.</td>
<td>Will rezoning create a deterrent to the improvement or development of adjacent property in accord with existing regulations?</td>
</tr>
<tr>
<td>F.</td>
<td>Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?</td>
</tr>
<tr>
<td>G.</td>
<td>What is the impact on the ability of the County and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the proposed amendment is adopted?</td>
</tr>
<tr>
<td>H.</td>
<td>A zoning ordinance amendment approved by the Planning Commission shall not increase any inconsistency that may exist between the zoning ordinance or structures or uses and any airport zoning regulations, airport layout plan, or airport approach plan.</td>
</tr>
</tbody>
</table>

Draft Motions:

To **approve** PPUD20-002, D A. Pearson Holdings LLC for a Planned Unit Development Rezoning on property located north of 6977 M-68 Hwy, Section 10, Littlefield Township, tax parcel 24-07-17-10-200-018, as shown on the Proposed Preliminary PUD Plan dated Received Sep 15, 2020 because the standards for the PUD and a Rezoning have been met, and the uses include all R-2 General Residential uses – both Principal Uses and Special Land Uses, outdoor storage and storage buildings/warehousing as shown on the Preliminary PUD Plan *(other conditions or statement of facts may be inserted here)*.

To **deny** PPUD20-002, D A. Pearson Holdings LLC for a Planned Unit Development Rezoning on property located north of 6977 M-68 Hwy, Section 10, Littlefield Township, tax parcel 24-07-17-10-200-018, as shown on the Proposed Preliminary PUD Plan dated Received Sep 15, 2020 for the following reasons: the current zoning district allows for commercial uses and is consistent with the Emmet County Master Plan, the proposed uses are consistent with B-2 and industrial uses *(other reasons may be added here)*.

To **postpone** until the next regular Planning Commission meeting PPUD20-002, D A. Pearson Holdings LLC for a Planned Unit Development Rezoning on property located north of 6977 M-68 Hwy, Section 10, Littlefield Township, tax parcel 24-07-17-10-200-018, as shown on the Proposed Preliminary PUD Plan dated Received Sep 15, 2020 based on the policy of the Planning Commission to allow additional time for rezoning reviews *(additional reasons may be added here)*.