

Bear Creek Township Planning Commission Meeting

May 27, 2020

I. Called to order: 5:30 p.m.

II. Roll Call: Kendziorski, Urman, Haven, Coveyou, Brown, Olliffe, Mays

III. Others in Attendance: Tammy Doernenburg, Dennis Keiser, Jim Manthei, Ben Manthei, Carlin Smith, Robert Drost, Craig Rose, Donna Rinock, Kirk Rose

IV. Pledge of Allegiance

V. Approval of Minutes

- a. **Motion** by Mays to approve the minutes as presented from the Planning Commission Meeting of April 29, 2020.
2nd by Haven. **Passed**

VI. Case PPUDF19-05 Robert Drost, PUD Agreement Amendment, 2157 Howard Rd, Section 17, Bear Creek Township

- a. Tammy Doernenburg gave a background to the case:

i. Doernenburg explained that this case has been reviewed thoroughly in past meetings. This parcel is located on the east side of Howard Rd; this is a PUD with storage facilities. One storage building has been constructed and two units have been sold. The proposal is to replace #20 in the PUD Agreement, to allow for commercial storage on the property. Previously it only allowed personal and residential storage. The Civil Counsel at Emmet County has reviewed this proposal and has accepted the text. The format will need to be changed if the document is to be recorded with the Register of Deeds, because they have recording requirements that will need to be met. The Fire Chief had no concerns with the proposal and there has been no public comment on this case. The recommendation from staff last month was to ensure that if this was approved, that the PUD Agreement would be recorded with the Register of Deeds. Doernenburg noted that the Planning Commission has received condominium documents including the disclosure statement, exhibits from the Master Deed, and the Condominium Buyer's Handbook. The request is to amend condition #20 in the PUD Agreement to allow for commercial storage. No other business activities would be permitted at the facility and it is not to be used as a home base or commercial base for operations.

1. Haven asked if the wording will need to be changed for the Register of Deeds.

- a. Doernenburg clarified that the verbiage can stay the same and only the format will need to be changed. They may add things such as legal description, tax ID number, location, etc. These are legal requirements for the Register of Deeds.

- b. Robert Drost addressed the Planning Commission regarding the parcel in question:

i. Drost noted that the Board recommended that the verbiage that is in the original agreement between the township and himself be a part of the Master Deed. He agrees with this. This would ensure that any future buyers would receive this information. Drost noted that Neil Marzella agreed.

ii. Coveyou asked about reconciling the verbiage of the proposed #20 with what is in the Buyer's Handbook. He feels that the deed contradicts what is in the handbook. He would like to make sure that the uses are consistent.

1. Doernenburg referenced the condominium documents, specifically the Disclosure Statement on page 5, under the bylaws, titled "Use". This section reads: "The storage units may only be used for general storage purposes. Any offices or commercial uses in a unit may not be open to the public." This is the only place which references offices.

iii. Urman notes that these wordings can be updated to go along with the Master Deed.

iv. Coveyou is concerned about businesses using this as a base for their employees. He does not want employees in and out of these units to get supplies and inventory. Although the Condominium Bylaws verbiage protects against public coming in and out, he would like to ensure that employees will not be frequently entering and exiting. He would also like to ensure that future owners will understand the correct intent of these units.

1. Drost noted that Neil Marzella has updated this verbiage.

2. Coveyou would like time to look at this new wording. He would like the Bylaws to be consistent with the proposed #20 of the PUD Agreement.

3. Urman noted that at the last meeting, we agreed that Drost was going to update the language of these documents. He also noted that we could agree to this on condition that this language is updated. At the county level, they can review to make sure that the documents were updated.

v. Doernenburg noted that the Civil Counsel did not review this. The only thing that was reviewed was the proposed #20 of the PUD Agreement.

- vi. Drost read the updated Section 1 of the Bylaws, prepared by Neil Marzella: “No uses other than personal storage uses are allowed within the storage buildings. Such storage may include vehicles, recreational vehicles, personal property, etc, but shall not include bulk storage of fuel, hazardous materials. No commercial activity of any kind is permitted within the storage building that involves access to or traffic from the general public, such as commercial business activities or retail sales. The common elements shall be used only for purposes consistent with the uses allowed above. Any outside storage, including on or any limited common element appurtenant to a unit is expressly prohibited. Neither the units nor the common elements shall be use in violation of applicable zoning and other local ordinances or in violation of other pertinent laws and/or public regulations. No use shall be allowed which increases the cost of insurance premiums common elements beyond that which is reasonably anticipated for these allowed uses.” In other words, you can store things, but you cannot use this as a place of business. This was updated on 5/5/2020.
 - 1. Olliffe asked if this was the updated verbiage for #20.
- vii. Drost noted that everyone in the future will receive a copy of the agreement between Signature Storage and the township. He also noted that individuals are only allowed one vehicle here and they can’t have it here overnight.
 - 1. Coveyou asked if this language will replace the Signature Storage Condominium Bylaws section.
 - a. Drost confirmed that it will.
 - b. Coveyou would like to see a new copy of the bylaws with this language in it.
- viii. Urman noted that this will be tied to the Master Deed.
- ix. Coveyou asked if the PUD Agreement will have the same language as the bylaws.
 - 1. Doernenburg noted that this language will not necessarily be the same.
- x. Coveyou fears that the condominium bylaws could be changed by the condominium association to allow for greater commercial use. He would like to ensure that this would not be allowed.
 - 1. Doernenburg noted that the language is already there to protect from that.
 - 2. Urman noted that if they changed the bylaws, it would not supersede the PUD Agreement.
- c. Audience Comments: No Public Comment
- d. Board Discussion and Questions:
 - i. Olliffe would like to see the updated language for section #20 of the PUD Agreement.
 - ii. Doernenburg noted that there are two portions: #20 of the PUD Agreement and Section 1 of the Bylaws. If we would like the new language that Drost read (for Section 1 of the Bylaws) to also be attached to #20 of the PUD Agreement, it can be reviewed by Civil Counsel.
 - iii. Mays noted that the proposed #20 of the PUD Agreement is very similar to the new language for the Bylaws.
 - iv. Kendziorski asked if we could simply make it a condition that this language be updated in the Bylaws.
 - v. Doernenburg noted that we could also ask for these documents to be ready for the township board meeting next week.
 - vi. Urman noted that this language could replace the current language in the Bylaws and then we could approve the new #20 to match it.
 - vii. Coveyou is concerned that these units could be used as a warehouse for inventory.
 - viii. Mays noted that we are not voting on new language for the Bylaws. We are focusing on the new #20 for the PUD Agreement.
 - 1. Doernenburg noted that Emmet County does not enforce the deed restriction. Emmet County enforces the PUD Agreement. It is up to the association to enforce the deed restriction.
 - ix. Urman clarified that we are talking about two different documents and two different verbiages proposed. There is the new proposed #20 for the PUD Agreement and a proposed language for the Bylaws. The Bylaws are a separate issue.
 - 1. Mays noted that we do not have a say in the Bylaws.
 - 2. Coveyou would like to make sure that the Bylaws are consistent with the PUD Agreement.
 - 3. Dennis Keiser reminded the Planning Commission that we cannot control the bylaws, we should be focusing on the PUD Agreement. The County does not enforce the condominium documents. Those are changeable by the association.
 - x. Drost noted that both documents refer to the agreement with the township.
 - xi. Coveyou would like to see new language to ensure that the PUD Agreement and the Bylaws are in agreement.
 - 1. Mays noted that the new #20 reads “not to be used as a home or commercial base”.
 - 2. Urman noted that we should tie this into the Master Deed.

- a. Drost noted that they will attach the PUD Agreement to the Master Deed.
 - b. Doernenburg noted that the format can be adjusted so that the PUD Agreement can be tied to the Master Deed.
- e. **Motion** by Mays to recommend approval of PPUDF19-05, Robert Drost for an amendment to the Planned Unit Development Agreement for property located at 2157 Howard Rd in Section 17, Bear Creek Township, tax parcels 24-01-19-17-100-019 (this agreement also runs with the child parcels that have been created and the condominium parcel numbers that have been created from this parent parcel), as proposed by the applicant in the application received 12/27/19 because the proposal is consistent with the approved Preliminary and Final PUD, there would be no adverse physical impact on surrounding properties and the standards of Article 17 have been met and approval replaces condition 20 of the PUD Agreement signed in July 2018, and that the Disclosure Statement, Master Deed, and the PUD be attached to the Condominium Bylaws. The wording of condition #20 shall be as follows: "The units will be used for storage purposes, which may be used for residential or commercial. The storage may include anything other than hazardous or bulk storage of fuel. No business operations may be performed at this facility and the property is not to be used as a home or commercial base for operations." 2nd by Haven.

i. Roll Call: Coveyou, Brown, Mays, Haven, Urman, Olliffe, Kendziorski

1. Yes- Brown, Mays, Haven, Urman, Kendziorski

2. No- Coveyou, Olliffe

Passed

VII. Case PSPR20-002, David Firman, Site Plan Review- Amendment, Contractor's Use, 3529 Howard Rd, Section 20, Bear Creek Township

- a. Applicant requested case be postponed.

VIII. Case PPUDF20-01 MKB Holdings, LLC, Planned Unit Development- Amendment to Final Plan and SITE PLAN REVIEW, 4472 US 131 Hwy, Section 30, Bear Creek Township

- a. Applicant requested case be postponed.

IX. Case PSPR200-005 John Poquette, Site Plan Review, Amendment 2062 US 131 Hwy, Section 18, Bear Creek Township

- a. Applicant requested case be postponed.

X. Case PPUD20-001 Alan Hubbard, PUD-1 Amendment, 500 N Division Rd, Section 33, Bear Creek Township

- a. Applicant requested case be withdrawn.

XI. Case PPUD 20-01 Manthei Development Corp, PUD Residential Overlay, Pickerel Lake Rd, Section 25, Bear Creek Township

- a. Tammy Doernenburg gave a background to this case:

i. Doernenburg explained that this is a public hearing for a Planned Unit Development. This is the first time this portion of the zoning ordinance has been put to use. There are three subject parcels in question, located on the north side of Pickerel Lake Rd. All of the parcels are zoned FF-1. There are approximately 49 acres in total. The adjacent uses are medium-low density residential to the east, higher-density residential to the north with industrially zoned property (Hearthside Grove Community), and the Fochtman Industrial Park is also to the north, with a public road access there to one of the three parcels. There is medium-low density residential on the south side and residential to the west. This site has been a mining operation since 1996. The proposal is preliminary, and we are only looking at the basics of what the applicant would like to see on the property. There are different elements of a PUD Residential Overlay that will need to be considered. The proposal is to construct residences and for the northwest corner to remain industrial zoning for the uses accessory to the residential use. Proposed possible uses for that area could be: manufacturing for the housing that would go in this location, daycare, etc. This could potentially be residential in the future once the rest of the development is complete. There is an electrical overhead easement that runs through the property. It is across Fletcher Rd as well. Doernenburg noted that a topographical map has been received, as well as images of the site. She noted that Pickerel Lake Rd is up a bit higher than the subject properties. The applicant would like to keep the lake/pond as a feature. Emmet County Road Commission has jurisdiction over the accesses and a preliminary review from the Health Department has been received. They would look at community wells on this property. This is preliminary, it will not go to the Board of Commissioners because it is an overlay district. It will stay with the Planning Commissions. Emmet County Planning Commission will make the final decision and if they recommend approval, then the applicant can come back with details. The proposed density would not exceed 7 units per acre. The site sizes would be significantly smaller than what a typical Farm and Forest property would be. That would be determined at the Final PUD Review. At this time, it is the role of the Planning Commission to recommend if this is a use they would like to see on this property. This would be high-density residential. It could be single family dwellings mixed with multi-family dwellings.

1. Coveyou asked about the wetlands on these parcels. He also asked about the acreage of the lake/pond. Additionally, does 7 units per acre include the lake?
 - a. Doernenburg noted that this was indicated in the documents provided by the Mantheis. There is two acres of wetland. She could not identify it on the site. The acreage of the lake is approximately 7 acres. The total acreage is 49, the lake is 7 acres, the wetlands is 2 acres, and industrial is 5 acres. Doernenburg noted that the maximum density could be identified later in the process.
2. Mays asked how they were planning to fit 7 units per acre. Would these be small houses or stories? Would this be a 7-unit apartment?
 - a. Haven noted that these could be apartments.
 - b. Doernenburg noted that these could be multi-family, or could be 50x124 ft lots.
 - c. Keiser gave some perspective and noted that the East Bay View lots are 50x100 in size.
 - d. Urman noted that some villages have small lots.
- b. Manthei addressed the Planning Commission regarding the parcel in question:
 - i. Ben Manthei noted that they are very appreciative of considering this property for a PUD Residential Overlay. They have done considerable research and are still in the process. They would like to develop this property into a three-tier development. Tier 1 would be apartment living, for individuals just starting to live on their own. Tier 2 would be small homes for the first-time homebuyer. These would be about 1000 sq ft homes. They would be attractive homes, but small to keep the cost down. Tier 3 would be lots around the lake which would include more amenities. These would be potentially for individuals who would like to upgrade from a starter home. These homes would keep the theme of the project, but would have garages as well. Most likely, they will have less than 7 units per acre, but just wanted to give a starting point. The next step is to work with the land planner to develop the project. Using the lake, they would provide a beach access for all the units. They would like to have walking trails around the perimeter. The wetlands are on the southern most end of the industrial area.
 - ii. Haven noted that there are many opinions about what is considered “affordable” housing. He wondered what they are considering “affordable”. He also asked if these would be stick built homes or manufactured or if they would be trailers?
 1. Manthei noted that there are two determinations: affordable housing and workforce housing. Affordable housing is based on how much income someone has. This would be more of workforce housing. The three tiers will help keep this project affordable. If someone moves into a first-time buyer, small home, they are opening up an apartment to keep it affordable for someone at that stage. Then when the first-time buyer decides to upgrade into the Tier 3 homes, it opens up a Tier 2 home for someone. The pricing of these units has evolved and is still under consideration. They are considering a cabin look with a loft upstairs (a story and a half). Potentially, if someone wanted to add a bathroom upstairs, they could. But building it without that bathroom at first could keep the initial cost down. At the moment, they are considering the Tier 2 homes to be in the \$125,000-175,000 range and the Tier 3 homes to be in the \$200,000-285,000 range. However, those numbers are not final. In regards to the style of the home, Manthei noted that these would not be trailers. They would be permanent homes. People could buy their lot and use bank loaning. He would like to create a permanent mindset in the community. He would like an attractive look when you drive through the development. The homes would be small, but still on foundations. They may panelize these homes themselves or hire another company for this, however, that stage of the project is still being researched.
 - iii. Mays asked if these homes would have basements.
 1. Manthei noted that the north side of the lake is flat, so the units there would most likely have crawl spaces. The southern half of the property is hilly, and that is where the apartments would go. On the southern side of the lake, the Tier 3 homes may have walk out basements.
 - iv. Coveyou asked if there would be parking lots for this development. Additionally, would the Tier 2 homes have room for two cars.
 1. Manthei noted that in the apartment section, there will be a parking area, but the single-family homes would have a driveway, so that the cars could park in their own lots. They are considering making a predesigned carport that fits the theme that someone in a Tier 2 home could purchase if they would like. The Tier 2 homes would have room for two cars, either end to end or side by side. The homes around the lake (Tier 3) would have garages. Manthei agreed that it is important for individuals to park in their own lot.
 - v. Coveyou asked about storage for these lots. He also asked if there was a plan to set aside open greenspace for kids to play.

1. Manthei noted that if they were to do their own panelization, when the development was completed, they could potentially convert that area into mini-storage for that community. It would also be converted into a community center or day care center. There would also be walking trails through the development and boardwalks through the wetlands. There would be a beach area along the lake. The lake water is clean because it is spring fed. Manthei noted that they are working on the telephone line easement. That area will probably end up as a greenspace, as well as greenery between back to back homes. Those details can come when the land planner helps to develop the density.
- vi. Coveyou asked where the access to this development will be. He also asked how many of each type of unit there will be.
 1. Manthei noted that they have an easement through the Fochtman Industrial Park. There will also be an access onto Pickerel Lake Rd. The Road Commission would like 600ft both ways for a sight line, 750 ft if possible. They also may consider two accesses off of Pickerel Lake Rd if possible, one for the apartments and one for the homes. That is still to be determined. As far as the number of units goes, the Tier 3 homes will be determined by the circumference of the lake. The number of Tier 1 and Tier 2 units is still to be determined.
- vii. Mays asked if this development will be gated. She also asked about the wells and sewer for this development.
 1. Manthei noted that it will not be gated. There will be sewer to this development, and there will be a community well/water system. This community water system will be managed by the association.
- c. Audience Comments:
 - i. Carlin Smith serves on the Little Traverse Bay Housing Partnership and noted that there is a critical need for workforce housing in this area. We have a housing shortage, so this is the type of project we need in Emmet County. It is important to attract and keep young people in our area. He noted that density is the key to making this affordable.
 - ii. Craig Rose feels this is a well thought out project and is looking forward to seeing the next phase of this development.
 - iii. Donna Rinock owns a neighboring property and would like to see how this will impact her home. She noted that there will be traffic added to Pickerel Lake Rd. She is looking forward to seeing what develops.
 - iv. Kirk Rose is confident that the Mantheis will do a great job with this development, and is looking forward to seeing the plans for this project.
- d. Board Discussion and Questions:
 - i. Urman feels this was a great presentation, which answered many questions. This is well thought out, and Urman feels the tiers of housing is a great plan. The sewer, water, and traffic issues can be determined at a later date.
 - ii. Kendziorski feels this is a good project and will make a positive impact in our area.
 - iii. Mays agrees with this project and is happy to see a mining area being reclaimed.
 - iv. Brown is excited about the concept of this project.
 - v. Coveyou noted that it is good to see workforce housing being addressed and feels this is a good location for it. He noted that the Mantheis have a good plan for many challenges they may face, such as parking, storage, the aesthetic of the development, etc. This is an opportunity to do something good for our community. He would like to make sure we attain a reasonable density that is high enough to make this practical. He also would like to ensure that there is plenty of vegetation in the design.
 - vi. Haven is looking forward to seeing the next phase.
 - vii. Olliffe agrees with other commissioners comments and asked if the electricity will be underground.
 1. Manthei noted that all electricity of the homes they build will be underground, but they are still working on the transmission line through the property.
- e. **Motion** by Haven to approve PPUD20-01, Manthei Development Corp for a Planned Unit Development Residential Overlay on approximately 49 acres located on the north side of Pickerel Lake Rd, Sections 25 & 26, Bear Creek Township, tax parcels 24-01-16-25-300-001, 300-002 & 01-16-26-400-007, as generally shown on the Proposed PUD- Preliminary Development Plan and supporting materials dated Received Apr 24, 2020 because the standards for the PUD-RO have been met, and the uses include single and multiple family residential uses within the residential area and house manufacturing, storage for sites within the residential development, and service businesses such as day-care. The proposal is consistent with the Emmet

County Master Plan and meets the standards of Article 16 of the Emmet County Zoning Ordinance. 2nd by Mays.

i. Roll Call: Brown, Mays, Haven, Urman, Olliffe, Kendziorski, Coveyou

1. Yes- Brown, Mays, Haven, Urman, Olliffe, Kendziorski, Coveyou

Passed

XII. Case PSPR 20-07 Ron Budnik for Dare III Development, Site Plan Review- Amendment, 920 Glen Haven Cir, Section 7, Bear Creek Township

a. Applicant requested case be postponed.

XIII. Public Comment

a. Kirk Rose noted that the word “attainable” housing may be better for our local market.

XIV. Other Business

a. Bear Creek Township Master Plan

i. Keiser noted that there is a Public Hearing for the Master Plan next Wednesday at 6:30pm via Zoom. He asked if the Planning Commission had any final comments before this was adopted.

1. Coveyou asked if anyone from the community submitted comments about the Master Plan. There were no public comments.

b. Enforcement Report

i. Coveyou noted that at Home Depot, there are flowers in the fire lane. The racks are forcing people to walk in the roadway to get to the entrance.

1. Doernenburg noted that she sent letters to Home Depot and Lowe’s this spring.

XV. Next Meeting: June 24, 2020

XVI. Adjournment: 7:32 p.m.

Respectfully Submitted,

Emma Kendziorski

Emma Kendziorski, Bear Creek Township Clerk

Jeff Haven, Recording Secretary