

Bear Creek Township Planning Commission Meeting September 30, 2020- Zoom Meeting

I. Called to order: 7:15 p.m.

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

III. Others in Attendance: Tammy Doernenburg, Daniel Sturt, Chip Ironside, Zeke Budnik, Dennis Keiser, Connie Golding, Reg Whitcomb

IV. Pledge of Allegiance

V. Approval of Minutes

- a. **Motion** by Mays to approve the minutes as presented from the Planning Commission Meeting of August 26, 2020. 2nd by Coveyou. **Passed**

VI. Case PSUP 20-016 Ron Budnik, SPECIAL USE PERMIT, 2230 N US 31 Hwy, Section 26

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

i. Doernenburg explained that this case is for a Special Use Permit at 2230 US 31 Hwy. The property is 1.89 acres on the southeast corner of Fotchman Industrial Park Drive and US 31 N. It is the location of the former EK Hydraulics. It is accessed off Fotchman Industrial Park but it is addressed off US 31. The parcel is zoned I-1, light industrial and the building and parking are existing. The zoning to the north of the property is B-2; in all other directions it is zoned I-1. Outdoor sales is a special use in both of these zoning districts and there are several outdoor display lots within the immediate vicinity of this building. Across the road is an RV storage, to the east is outdoor storage and display, to the west is Brown Motors, and there are other car dealers down the road in both directions. There are no proposed changes to the building. There are some large trees along the corridor and a berm between US 31 and the building. The lights are unshielded and Doernenburg would like to see that corrected with this proposal. The building is used for multiple uses, and there are suite numbers on the doors. There is adequate parking for all the uses that are proposed, including the new use of automobile storage. The dumpster is shown on the site plan but it is not screened at this time, and our ordinance does require it to be screened. The setback standards are met for the parking and the existing building is closer to the side yard setback than the ordinance requires but it is a non-conforming structure, as far as the setback goes. There are storage uses and an office area proposed. There are ten parking spaces proposed for the car storage. Fire Dept recommended approval and has no concerns. The snow storage is shown on the plan. Any new signage would require additional review, however, there is a current sign at the road side which is in compliance with the ordinance. The proposal is for a Special Use Permit for outdoor storage and display.

ii. Mays questioned the site plan and asked if the building had been subdivided.

1. Doernenburg confirmed that the buildings in the photos match what is on the site plan.

iii. Coveyou confirmed that this is for outdoor display, not outdoor storage. He asked if all storage would be inside. Doernenburg established this is correct.

iv. Brown asked if they could use the existing sign, just modify it. Doernenburg agreed.

- b. The applicant addressed the Planning Commission regarding the parcel in question:

i. Zeke Budnik noted that he likes cars and wants to get a license to go to dealer auctions. However, to get this license, the State of Michigan requires that you have a place that you can display cars. At this stage, he is hoping his business will run as follows: someone requests a car, he goes down to buy it and sells it to them. The car wouldn't be displayed outside for long, maybe just a few days before the person could pick it up. Right now he wouldn't be displaying cars, but the business could develop that way.

c. Audience Comments: None

d. Board Discussion and Questions:

i. Mays asked who owns the property. She also asked if there were many cars displayed, if there would be someone on site in the office building.

1. Budnik clarified that this is Kalchik family property, owned by himself and his wife, as well as his father-in-law. There would be a person in the office building if there were many cars displayed to be sold.

ii. Brown asked if the public is going to be allowed in the building. He also questioned the work area. Are they going to be working on cars? Is this a mechanical work area? Would there be mechanics on site? Brown asked if Budnik would leave the berm between the road and the business. He also asked about handicapped parking and striping. Lastly, Brown asked Doernenburg if this could turn into a different type of outdoor display.

1. Budnik noted that customers would only be in the office area. The work area would not be used for mechanical work, just woodworking. There would be no cars in the work area and no mechanics on site. Budnik confirmed that the berm would be left the same, and that he is hoping to do business mainly by word of mouth. In regards to parking, Budnik is planning to mark it in the spring. After he goes through this review process, then he could complete seal coating, striping, concealing the dumpster, lighting, etc.

2. Doernenburg clarified that outdoor display could allow for cars, boats, RV's, etc, but it would have to fit within the designated display area (which in this case is ten parking spaces).
- iii. Coveyou asked if the existing building is used for storage. He also questioned the outside storage that is currently on site. Would it be moved inside or to another property?
 1. Budnik explained that there are existing tenants and the storage outside is his. He just purchased another building to put that in and will be moving all the things that are currently stored outside (non-vehicle items) to his other property.
- iv. Olliffe would like to see the dumpster screened.
 1. Budnik confirmed that he will get lighting and striping complete and the dumpster screened.
- e. **Motion** by Mays 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 on condition that any exterior lighting and signage be reviewed by the Zoning Administrator, and that the dumpster and lighting be brought into compliance within 60-90 days, and that seal coating and striping be complete by June 1, 2021. 2nd by Brown.
 - i. Roll Call: Coveyou, Brown, Mays, Haven, Olliffe, Kendziorski, Urman
 1. Yes- Coveyou, Brown, Mays, Haven, Olliffe, Kendziorski, Urman

Passed

VII. Case PSUP 20-011 Reg Whitcomb for Dare III LLC, SITE PLAN REVIEW, 1001 Lears Rd, Section 7

- a. Tammy Doernenburg gave a background to this case:
 - i. Doernenburg explained that the current address of this parcel is 1001 Lears Rd, but if this is approved, this will most likely have a private road. This site is part of a PUD; the property is zoned R-1 with a PUD overlay. The site is on the south side of Lears Rd. There are already apartment buildings within this property. The proposal is to construct four duplex buildings (eight units total) using an access off Lears Rd. The proposed buildings would have their own driveway access. There would be a turnaround for the Fire Dept. The Fire Chief did review the plan and had some recommendations; as a result, there was a revised plan submitted. This revised plan changed the turnaround area and added features that the Fire Dept wanted to see. The engineer is aware, he has reviewed and is planning to submit a revised plan after the meeting, in order to capture everything the Planning Commission wanted to see. There is existing screening between the current units and the proposed buildings. The elevation shows two-story structures with garages for each. The site has many trees and a beautiful topography. Across the road from the site is the Marriott Courtyard and the access there is almost directly across Lears Rd from where this access would be. There is a sealed drainage plan and the proposed buildings would be on 3.9 acres. The original plans for the development show 106 dwelling units allowed; with the addition of these eight units, there would be 97 units total. The proposed buildings are 72'x60' and each unit would be approximately 2094sq. ft. The parking would be within the attached garages, and there is room for additional parking in front of the attached garages. The driveway is proposed to be paved and city water is proposed, along with sanitary sewer. There is no outdoor lighting proposed. Duplexes are an acceptable use in that zoning district and in the PUD.
 - ii. Mays asked if the road will be paved as well. She also confirmed that we have a sealed plan, as she noted that the fourth duplex will have to deal with a lot of different elevation. Mays asked if there will be any trees left on site after the development is complete.
 1. Doernenburg noted that she believes the road will be paved. Chip Ironside confirmed and noted in regards to the elevation that there will be a retaining wall. He explained that they will try to leave as many trees as possible for screening from the other condos. He noted that it lays out better when you walk the site. The site plateaus and falls towards the back.
 - iii. Coveyou asked if the space that is proposed to be used for these duplexes is supposed to be open space for the existing condos.
 1. Doernenburg noted that she did check the density and the maximum density allowed would be 106 units. With the addition of these 8, the total number of units would be 97.
 - iv. Mays asked if we saw this property at the Planning Commission for something else.
 1. Doernenburg noted that this property was brought before the Planning Commission within the last year under "Other Business". At the time, the developer was looking to see if the Planning Commission would consider storage units there.
- b. The applicant addressed the Planning Commission regarding the parcel in question:
 - i. Chip Ironside feels that Doernenburg covered the material well. He explained that they have decided to add a parking spot next to the two-car garage as well for guests. This would keep the fire lane open.
 - ii. Olliffe asked if there is adequate room for the turnaround the Fire Dept has requested. Clarification that there is and it has been adjusted to 60ft. The turning radius has also been adjusted to 28ft.
 - iii. Urman asked if the city will provide water.

1. Ironside confirmed that Jason Fate has reviewed the water main and thought it should be looped, but otherwise was okay with the project. They just need to get the right kind of permit. There would be private sewer built to township standard.
- iv. Coveyou asked about the turnaround- how would you keep vehicles from driving over the edge? Additionally, how steep of a retaining wall is it? Is it graded/stepped down or is it a straight drop? He is concerned about children falling off the wall and would like to see it in the motion that there be no drop off areas. Coveyou brought up the notion of walkable communities. He would like to see a walkable path down to the Meijer area.
 1. Ironside noted that there would be a guardrail there. In regards to the retaining wall, there would be a 5-8ft drop. There would be a slope on a grade rather than a straight drop off. Ironside assured the Planning Commission it will be safe and user-friendly. He noted that it could be achieved with boulders, because the grades are not that stiff on that particular area, but a retaining wall is required. There is not a huge drop off of any kind, it would be more of a 5ft wall to hold back dirt. In regards to the walking path, Ironside noted that they hadn't considered that, but could potentially put in a sidewalk in the future if neighboring property owners would work in agreement. He noted that it wouldn't be logical to put in a sidewalk unless the neighboring property owners would continue that sidewalk. They do not own all the way down to Meijer.
 2. Urman noted that the Planning Commission could put it in the motion that the developed would leave a ten foot easement for a possible future sidewalk.
- v. Mays asked where the snow removal was going to be and if these were all rentals.
 1. Ironside noted that the snow would have to be hauled away, and some snow could go between the units. All the units would be rentals, so the management company would handle snow removal.
- vi. Brown asked about an agreement with the tribe. He also questioned if Ironside was anticipating excavating out or filling in.
 1. Ironside explained that when the entrance was put in off the road, it was most likely put in with county specifications. Then the tribe took over the road. The access is almost directly across from the access to the Marriott. The geometrics of the access are good and there is good sight distance on both sides. He also noted that the speed there is only 25mph. In regards to excavating, Ironside explained that they are not building a whole basement. Half of the unit will be a crawl space and the other half will have a basement. There will not be as many spoils on site. He explained that there is good sandy soil, so there will not be foundation problems. He is not anticipating hauling out very many spoils.
- vii. Haven asked if there will be a dumpster or community trash.
 1. Ironside explained that management will do pickup and each unit will have a trash receptacle given to them.
- viii. Doernenburg noted that this is a change of use for that access, and they should let the Tribe know so they can do road access review.
- c. Audience Comments: None
- d. Board Discussion and Questions:
 - i. Urman asked if Reg Whitcomb has any problem drafting up a 10ft easement for a future sidewalk connector.
 1. Ironside communicated with Whitcomb and explained that Whitcomb said it would be difficult to put a sidewalk in with the retention pond. However, there is a sidewalk across the street.
 - ii. Brown asked if there would be any signage at the top of the road to say "private drive" or "dead end road". Ironside and Budnik noted there could be a dead end road sign.
- e. **Motion** by Brown 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 Rd, Section 7, Bear Creek Township, tax parcel 24-01-19-07-400-035, as shown on the site plan dated Sept 29, 2020 and drainage plan to be updated based on Fire Dept review and utility updates, because the standards of Articles 5, 20, 22 and Section 26.49 have been met based on the facts presented in this case and on condition that any exterior lighting and signage be reviewed by the Zoning Administrator, a performance guarantee in the amount TBD be submitted prior to issuance of a zoning permit, and that a tribal road review be requested, and that the drainage plan be updated based on the Fire Dept Review and utility review, and that there be no drop off retaining walls without a safety barrier 2nd by Mays.
 - i. Roll Call: Brown, Mays, Urman, Haven, Olliffe, Kendziorski, Coveyou
 1. Yes- Brown, Mays, Urman, Haven, Olliffe, Kendziorski, Coveyou

Passed**VIII. Public Comment**

- a. Coveyou asked about the potential housing development in Victory Square.
 - i. Doernenburg explained that there is a proposed housing development there between Marriott and Starbucks. Because it is tribal land, it does not need township or city approval. The Tribe has requested grant money from the state for this project.

- b. Doernenburg noted that she has received another food truck request, to go into the parking lot next to Krings. This is a vacant parcel, the building used to house a grooming business. Doernenburg explained that she will only approve this for this year on condition that the applicant provides: a site plan, building department review, fire department review and approval from the property owner.
 - i. Haven asked if they were using the building as well. Confirmation that they would just be using the parking lot.
 - ii. Brown confirmed this would just be through 2020. He asked how many food trucks could go on this parcel. Are there any places a food truck can go without approval?
 - 1. Doernenburg explained that she doesn't have a site plan yet, but she needs one to see if people have a place to park and such. At this point, all food trucks must get Planning Commission approval, because they are considered a commercial business.
 - iii. Mays asked if he owns the property.
 - 1. Keiser clarified that Krings owns it and the food truck owner will need signed consent that he can use the lot.
 - iv. Brown asked if we should look into a food truck ordinance for next year, to designate where food trucks could go. Our higher traffic areas are mostly in PUDs.
 - 1. Doernenburg noted that in the past, food trucks have always been viewed like restaurants. They are allowed in B-1 and B-2 and in PUDs if the PUD allows for it.
 - 2. Urman noted that we can always handle food trucks on a case by case basis.
 - v. Coveyou is concerned about protecting brick and mortar restaurants. He wants to make sure the community restaurants that are here year round survive.
 - vi. Keiser pointed out that if this is a concern of the Planning Commission, it will need to be addressed this winter.
 - vii. Doernenburg reminded the Planning Commission that after this year is up, all food trucks will have to go through Planning Commission review.

IX. Other Business

- a. Mays asked if there is going to be a roundabout at the intersection of M-119 and US 31. She also asked if Doernenburg had heard from Manthei's.
 - i. Keiser explained that there will not be a roundabout at this time. They have almost completed the portion at M-119 and will start to work on 31. The project is set to go until November 1, 2020. It has nothing to do with a development and is only a road project. Keiser also noted that Krist Gas Station will not be going at the corner of Division and Mitchell.
 - ii. Doernenburg noted that she has seen a preliminary plan for Manthei's, but cannot share it at this time. They are working on a detailed site plan and will be back to the Planning Commission for review.
- b. Coveyou asked about the camping that is taking place at Gabriel Farms. If camping is not allowed in the R-1 zoning district, then why would it come back to the Planning Commission for review?
 - i. Doernenburg explained that the property has a PUD overlay and they would like to change the PUD. She noted that she has sent several letters.
 - ii. Mays asked if camping was allowed under a PUD.
 - 1. Doernenburg noted that they can ask the Planning Commission, but to change the PUD would be quite a process.

X. Next Meeting: October 28, 2020

XI. Adjournment: 8:50 p.m.

Respectfully Submitted,

Emma Kendziorski

Emma Kendziorski, Bear Creek Township Clerk

Jeff Haven, Recording Secretary