

## Bear Creek Township Planning Commission Meeting October 28, 2020- Zoom Meeting

**I. Called to order:** 6:00 p.m.

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

a. Mays entered the meeting at 6:01pm.

**III. Others in Attendance:** Tammy Doernenburg, Denny Keiser, Connie Golding, Chris Powell, Jenny Pitcher, Ken White, John Johnson, John Ledig, Stephen Bodnar, Serenity, Don Schreiber, Doug Lehman, Michele Germain, Eric Ginsburg, Doug Roosa, Paul Friedman, Will Coveyou, Dusty Christensen, Kathy Coveyou, Robert Smith, Dan Goldsmith, James Doull, Bud Reilly, Al Welsheimer, Wendy Wieland, Amy Gray, Buddy Gray, Bud Gray, Edna Shaw, Maureen Nault, Larry Wright, Ellie Hoch

**IV. Pledge of Allegiance**

*6:01pm Judy Mays entered the meeting.*

**V. Approval of Minutes**

a. **Motion** by Olliffe to approve the minutes as presented from the Planning Commission Meeting of September 30, 2020. 2<sup>nd</sup> by Haven. **Passed**

**VI. OHM Presentation**

- a. Chris Powell and Jenny Pitcher from OHM have been working on the feasibility study for the US 31 corridor. The road commission and township approached and first asked for a feasibility study for a service drive behind the businesses on 31. This road would come out at Manvel and at the D&W light. Powell noted that right away, it was determined that a service drive behind the businesses on 31 would not be feasible, for a number of reasons: 1) It does not address the primary concern of the corridor, which is congestion and difficulties getting into and out of businesses. To accomplish that, you would need to close the drives along 31 to force people to use the service drive. 2) From a construction standpoint, there would be around 10 properties that would need to give right of way. There are also wetlands and environmental concerns. 3) This would be a very expensive service road with no guarantee that it would actually correct the problem. Powell then shared two different concepts which may work as an alternative to the service drive: 1) The first option would be to use a series of roundabouts along 31. The first would be at the D&W light, the second (optional) would be in front of the old bank property, and the third would be at 31 and M-119. The road would be boulevard-ed, and consumers would have to make right hand turns only coming out of businesses. To turn around to go left, they would go up to the roundabout and make a u-turn. 2) The second option would be the tradition Michigan boulevard concept with Michigan lefts. There is not enough room to build this in the traditional sense, so it would be trickier than the roundabout option. Powell noted that these two concepts accomplish the goals of the feasibility study to improve access management and improve traffic flow. Powell has been working with Keiser as well as Brian Gutowski from the road commission on this project.
- b. Keiser noted that if the service drive concept was attempted, it would also force more traffic from the highway onto our local roads, such as Manvel and Country Club.
- c. Kendziorski asked Powell to highlight the land that would have to be acquired for the roundabouts.
  - i. Powell noted that some property would be needed from the Festlerling lot as well as some from the former LaSeniorita (not substantial amounts). The middle roundabout would need to pull from the old bank property, and for the roundabout at the D&W light, the parcel with the triangle building would be needed.
- d. Coveyou noted that the service road was drawn further back from the businesses on 31 than he imagined. He asked if you could bring the service drive closer to 31 and if it would solve the wetlands issue. Not only that, but it would be a greater draw to businesses. Coveyou asked if the roundabout concept would force everyone to turn right. He also noted that in the roundabout concept, he feels the middle roundabout is needed to help keep the M-119 roundabout clear of people who are just turning around. He asked how it would work for the businesses directly in front of the roundabout. Coveyou also asked Powell, if we were starting from scratch and there were no businesses along 31, what would be the proper course of action.
  - i. Powell noted that the service road concept came from MDOT, as well as the township and the road commission a few years ago. However, wherever you put the service road, there will still be wetlands. Not to mention, you still would need to acquire right of way from 10 people. If the service drive is pursued, a drive closer to the parking lots can be considered. Powell confirmed that in the roundabout concept, individuals must turn right out of businesses. You would make a u-turn at the roundabout. He also noted that for the businesses in front of the roundabout, although it is untraditional, it has been used before and has functioned well. Powell shared some examples from previous road projects. For these businesses, there would be a one way in and a one way out (into the roundabout).
  - ii. In regards to Coveyou's last question, Keiser noted that if we were starting from scratch, this would be a frontage road. There would be limited access onto 31 with a frontage road between the businesses.
  - iii. Coveyou feels that if we cannot put a service road in the front, we will have to put it in the rear. He asked about putting in a loop behind the restaurants. He feels we need to think long term about this project.

- iv. Keiser noted that the experts have determined that a service drive is not feasible. It is expensive and we will not be likely to get right of way from all 10 property owners. Not to mention it may not even solve the issue. With the roundabout concept, we can work to correct this issue in a more timely manner.
- v. Coveyou feels there are too many curb cuts on 31.
- vi. Keiser noted that because everything would be right turn only, as businesses redevelop, they may choose to take out a driveway. We will also need to get public input on this.
- e. Powell noted that he spoke with the MDOT manager in Gaylord and he would like to get involved. They have looked at the M-119 intersection in the past.
  - i. Keiser would like to see this as a community-driven project, rather than an MDOT-driven project. It may garner more support.
- f. Haven noted that as a consumer, you need a place to make a u-turn when you turn right out of those businesses.
- g. Kendziorski is in favor of pursuing the roundabout concept, because that seems to be the most feasible and most effective.
- h. Olliffe agrees with Coveyou.
- i. Doernenburg appreciates that a non-motorized path was included.
- j. Urman noted that the Planning Commission would like the township to move forward with this project.

**VII. Case PPUF20-05 Chase Bank c/o John Johnson with Wesney Construction, PRELIMINARY PLANNED UNIT DEVELOPMENT- AMENDMENT, 1580 Anderson Rd, Section 7**

Tammy Doernenburg gave a background to this case:

- a. Doernenburg explained that this is a preliminary PUD amendment. The parcel is located at 1580 Anderson Rd and is zoned R-1 and R-2 with a PUD-1 overlay. The original PUD was established in 1994. Doernenburg noted that this decision would impact the entire PUD. This would be a preliminary PUD amendment which would allow for a drive-thru ATM within the PUD. The phase three retail area would be the location along the bike trail along Anderson Rd (in the furthest parking lot in front of Marshalls/Goodwill area). The preliminary plan shows five stacked parking spaces. Parking spaces would be displaced by the ATM and there would be adequate stacked spaces for drive up traffic. It is adjacent to the non-motorized trail and also adjacent to a two-way service road. Across Anderson Rd is also a retail complex. The entire PUD is 62.5 acres (this side of Anderson Rd) and 83 acres altogether with the parcels that adjoin US 131 and Lears Rd. In 2020, the PUD was amended to allow for drive-thru restaurants (up to 3) and some additional outdoor storage. Bear Creek Township approval is necessary for this to move onto the county Planning Commission. Ultimately, the county Board of Commissioners has approval. There are no new accesses proposed. Perimeter setback is 50ft and that is maintained. The parking standards appear to be met. There are no additional impervious surfaces proposed. The proposal tonight is for a preliminary PUD amendment to allow for a drive-thru ATM in this PUD.
- b. Mays asked if this was the same bank who proposed this before.
  - i. Doernenburg confirmed that it was, they are back now with property owner approval.

The applicant addressed the Planning Commission regarding the parcel in question:

- a. Ken White is the engineer for this project. He explained that Chase is looking for approval to amend the PUD to allow a drive-thru ATM in this shopping center. They would like to occupy that 15 spaces parking area for a drive-thru access only for the ATM.
- b. Haven asked about the separation between the walking trail and the ATM.
  - i. White explained that it would be a two foot curb.
- c. Coveyou noted that in the past, there have been ATMs inside businesses. He would like to know why Chase wouldn't go in a business? This would help limit business activity in the parking lot and would limit traffic.
  - i. White noted that although he does not work for Chase, he would imagine it would be to allow for the most access to people. It is an issue of convenience. If people can access the ATM from their vehicle, more people are likely to use it. Not to mention, if the ATM was in a store, the person may not have any business in that store, so they would have to go in there specifically to use the ATM. Allowing for a drive-thru ATM would make it available for the most customers.
- d. Brown explained that some box stores also do not allow for a financial institution to put an ATM in their store.
- e. Jake Johnson remarked that drive-thru ATMs do more transactions than a walk-up ATM.
- f. Kendziorski explained from a consumer's perspective, a drive-thru would be preferable. Not only is it convenient from the point of not having to leave your vehicle, but it also allows for individuals to use the ATM at any hour of the day. The consumer wouldn't be limited to the hours of a store location (if an ATM was inside a store).
- g. Mays agrees with Kendziorski and also noted that the parking lot that they are proposing to put the ATM in is never used (not even during the holidays).
  - i. Brown agreed that the parking lots are never used and that this placement would not affect the plaza.
- h. Olliffe asked if that area is where they typically store snow.
  - i. Brown noted that it is, but that is not where the snow storage is supposed to go. By having the ATM there, they will actually have to store snow where it is supposed to be stored.

- ii. Doernenburg noted that snow storage is a concern. The non-motorized trail is used in the winter and she wants to ensure that the snow will not be pushed into the non-motorized trail. Brown agrees that snow storage should only go in the designated area.
- iii. Coveyou asked where the official snow storage is for this lot. Doernenburg will look at the site plan.
- iv. Brown explained that the ATM will not displace storage because these were parking lots, so it would displace parking spots.

Audience Comments: None

Board Discussion and Questions:

- a. Coveyou noted that he would like to know if the ATM placement is where the designated snow storage is currently located. Kendziorski explained that this area is currently striped for parking, so it cannot be designated snow storage on the current site plan, because it is currently parking. This may actually encourage compliance, because if they cannot put snow in this area, they will have to put it where it is actually designated.
- b. Coveyou knows how important this shopping area is and doesn't like to see another business added, because he wants to make sure there is minimal visual impact. However, because it is not visible from the roadway, feels this may be okay. Brown noted that this compliments the other changes made to this PUD. It encourages more businesses to come into this plaza.

**Motion** by Mays to approve PPUDF20-05, John Johnson of Wesney Construction for Chase Bank for a Planned Unit Development amendment on property located at 1580 Anderson Rd, Section 7, Bear Creek Township, tax parcel 01-19-07-300-039, to add a drive-thru 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 as amended in 2020. 2<sup>nd</sup> by Brown.

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

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

**Passed**

#### **VIII. Case PPUDF20-06 John Ledig for Home Depot, FINAL PLANNED UNIT DEVELOPMENT and SITE PLAN REVIEW, 1700 Anderson Rd, Section 7**

Tammy Doernenburg gave a background to this case:

- a. Doernenburg noted that this went through the preliminary PUD process when Chase Bank first came before the board. The proposal is to add additional display areas in front of Home Depot and to add storage to the side and rear of the building. The original PUD only allowed for storage in designated areas and display only in the area of the garden center, so this would expand those areas. The proposed outdoor display and storage is as follows: 1) 110ft for soil, mulch and live goods, in the southerly front of the building. 2) 60ft in the center of the property of covered space for seasonal products and four outside shed displays. 3) To the northerly part of the building would be 60ft for seasonal fence panels (April-October). 4) Storage for one van shown in the parking space. 5) Outdoor storage, 15ft off of the building along the entire building, on the north and west side of the building. Doernenburg, Keiser and Welsheimer met onside and this is acceptable to the fire chief. It maintains the perimeter setback and all adjacent uses are commercial. This is part of an enforcement effort, they are trying to come into compliance. Doernenburg noted that they have already started storing things outside to the north of the building, and there are already PVC pipes being stored to the rear of the building. Doernenburg noted that the proposal is for site plan review. She has asked for a professionally drawn plan. She asked that distance from the building be added for enforcement purposes.
- b. Mays asked how far out the storage extends from the building right now. She asked if all of the outdoor display would be covered.
  - i. Doernenburg believes it is 15ft, and no it is not all covered.

The applicant addressed the Planning Commission regarding the parcel in question:

- a. John Ledig noted that he can get a professional map made if that is needed. The PVC pipe in the building is 10ft long. In regards to the storage trailers, they are currently doing resets within the building, so those are disposal trailers. In regards to the product on the side of the building, the Petoskey Home Depot is the #1 store in the Midwest for staged deliveries. If the board would like, we could get a 15ft line for the storage on the back of the building.
- b. Mays asked about outdoor display areas #1-3... how far out from the buildings would those be? Ledig noted those would be no more than 10ft, and that the display would be under the roof in the center, but not all the way across.
- c. In regards to the 15ft line for the rear storage, Urman noted that Welsheimer requested this in his report. He feels 15ft will cover them and leave them with a buffer.
- d. Coveyou asked why they needed to come beyond the canopies with outdoor display. He asked if there were options to expand behind the garden center. Coveyou asked if they are doing outdoor display as well as storage in the front. The pallets in the front seem to be more storage oriented than display. He feels this is not consistent with the plan and would like to explore the option of more storage in the back with screening to Cemetery Rd.
  - i. Ledig noted that it is the sheer capacity of the amount of product they have. They cannot store any fencing inside the building because there isn't room. It is a merchandising and volume issue. The business has expanded and they need more room. In regards to the product behind the building, the way Home Depot's shipping service works, he needs to store product to have it available for consumers. He also noted that they are busier than ever with curbside and have had to make room for that as well. Ledig noted that they cannot expand behind the garden center, because that area is used for bulk commodity storage. In regards to the

front of the building, they display live goods, plus the top ten commodities. They cannot expand backwards due to the loading docks. The product in the front is being sold right from the pallets. They are forced to put bulk product up front so they don't run out.

- ii. Haven noted that the pallets in the front are displaying the product. Yes, it is being stored there, but it is also being displayed to be sold.
- iii. Kendziorski remarked that if items are being displayed in the front, it will be done so tastefully.
- iv. Ledig noted that as a working warehouse, if they sell from the front (which they do), they have to replace it and have employees bring more product around the building.

#### Audience Comments:

- a. Stephen Bodnar noted that this seems to be more of an issue with stock. Is it possible to find another building to stage the stock?
  - i. Ledig noted that this would be up to Home Depot Corporate in Atlanta.

#### Board Discussion and Questions:

- a. Coveyou explained that this development is the entranceway into Petoskey. Previous Planning Commissioners spent a lot of time to make this development beautiful. When we approved the preliminary PUD, it was for limited outdoor display. This isn't limited if it covers the entire face of the store. Coveyou feels there needs to be a place to store 20-80 pallets in the back. This needs to be limited outdoor display and move all storage to the rear, with added screening.
- b. Mays asked if there was room in the back to build a storage building. This would not only help to screen the storage, but would keep it dry and secure. Is there security involved, such as a fence?
  - i. Ledig noted that typically product is locked behind the building, but the PVC pipes pictured had recently been unloaded. He does not think there would be enough room for a storage building, but can reach out to Atlanta to see if they would be interested in something like that.
  - ii. Coveyou noted that possibly, corporate in Atlanta would be interested in a lean-to. This would screen the storage from the parking lot and Cemetery Rd.
- b. Brown explained that Bear Creek Crossing is at a competitive disadvantage, because they are not allowed outdoor display. There is a thin line between bulk display and storage. Outdoor display would make it competitive. As a manager, this display will be presented in such a way that is tasteful and shoppable (even if it is a bulk item).
- c. Doernenburg explained that the original request from Home Depot was to add display to the front of the building. In the 2020 PUD amendment, limited outdoor display and outdoor storage to the rear was permitted. The PUD amendment does not allow outdoor storage to the side of the building. She is also in favor of additional screening by Cemetery Rd.
- d. Coveyou feels the display is not limited if it wraps around the entire building.
  - i. Haven feels that although it is the gateway to Petoskey, it is also key to remember that this is a box store. As a consumer, you want to see what that store has available. It is also a matter of convenience.
  - ii. Keiser noted that when this development first went in, there was a lot of focus on the gateway to Petoskey. However, times have changed. We now have a large casino there, as well as a large hotel that just went in. There is also the Victory Square property that can have large, unlimited signs. Keiser also mentioned that if Home Depot were to try to find a bigger store, where would they go? Not to mention that you would then have a large abandoned storefront there.
- e. Doernenburg remarked that in lieu of the side storage, you could add additional storage to the rear that is equivalent to the square footage of the proposed side storage.
- f. Urman noted that we could also get fire department approval to add storage to the north side.

**Motion** by Coveyou to postpone until the next regular Planning Commission meeting PPUDF20-06, a Planned Unit Development Final PUD amendment on property located at 1700 Anderson Rd 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 add additional screening along Cemetery Rd to the rear of the property, to resolve the storage location on the north side of the property and potentially proposing solution for additional storage to the rear of the building, including removing some of the storage from the front of the building, and limiting outdoor display in the front area.

**No Support, Motion Failed**

**Motion** by Haven to approve PPUDF20-06, John Ledig for Home Depot for a Planned Unit Development amendment on property located at 1700 Anderson Rd, 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 7/10/2020, and all site plan standards have been met, with the stipulation that additional painted lines be added for clear delineation on the front of the building, with the exception that the storage on the north side of the building be not approved (because it was not part of the approved amendment on 7/10/2020), for additional storage to the rear of the building (in lieu of the storage to the north side) to be allowed up to the same square footage as was proposed for the north side of the building, as long as setbacks are met and fire chief approves. Additionally, that fire department review and recommendations are followed, and that lines are marked at 15ft, not 15in. 2<sup>nd</sup> by Brown.

- a. Roll Call: Urman, Haven, Olliffe, Kendziorski, Coveyou, Brown, Mays
  - i. Yes- Urman, Haven, Olliffe, Kendziorski, Brown, Mays
  - ii. No- Coveyou

**Passed**

**IX. Case PSUP20-017 Ironwood Construction, SPECIAL USE PERMIT AND SITE PLAN REVIEW, Electronics, 2420 Harbor-Petoskey Rd, Section 27**

Tammy Doernenburg gave a background to this case:

- a. Doernenburg explained that this parcel is located on the east side of Harbor-Petoskey Rd, is zoned R-2 and is approximately 1.84 acres in area. The site is mostly flat with sandy soils. This is currently vacant land with a condominium association to the east side and to the south. One of their accesses to M-119 is Lakeside Dr, which is located just south of the secondary parcel. To the north is a dentist office and vacant land beyond that. Across the road is a condominium association and circuit control. The proposal is for an electronics business; there would be an office and showroom for sales, and a shop and storage use. These two uses would occupy one building and the total square footage is 6200sq ft. A sealed drainage plan was provided and it meets the standards of the zoning ordinance, with a \$3500 estimated cost for the drainage system. MDOT has recommended that a joint access be used. An existing access is located to the south; that is a commercial driveway that was installed when M-119 was improved. MDOT's proposal is to use an existing drive, which is consistent with the access management principles. However, the property owner does not wish to grant an easement for that driveway to allow joint access. The Master Plan designates the property as mixed use. Doernenburg received one letter of concern from the Pachala's, which stated concerns with the following items: they are concerned about the impact to the neighbors, specifically about water runoff, light pollution, traffic, noise, smell (from the exhaust of the trucks), and requested that their privacy be maintained with dense screening on the subject parcel. Hager's Plumbing and Heating submitted a letter stating no objections. The dumpster is proposed to be screened. The dumpster details show it to be vinyl; our current ordinance requires a concrete enclosure (except for the gate). In regards to the top height of the structure, the elevation meets ordinance standards. Maximum height is proposed at 26' 6". There is no indication of utility or mechanical equipment that would need to be screened. If there were any on the exterior, that would have to be screened. Sign and lighting would be reviewed at a future time by the zoning administrator. All lighting is required to be full cutoff. Doernenburg did not receive fire dept review, but it is possible that the township has it. There are many evergreen trees present on the parcel, but could be removed due to construction. The proposal is for a Special Use Permit and Site Plan Review to allow for an electronics business on this parcel zoned R-2.
- b. Kendziorski clarified that we did receive fire department review. The fire chief had no concerns.
- c. Mays asked if the same person owns both parcels or if one has sold? Doernenburg clarified that it has not sold yet. The property owner would sell to Sunrise Electronics but would not grant the easement.
- d. Haven clarified if the owner will not grant an easement, MDOT cannot refuse to give them a driveway.
- e. Urman asked if the commercial drive was put in when it was one parcel.
  - i. Keiser noted that this parcel appears to be created in 1981. The road was approved in the 90s, maybe late 80s.
- f. Brown asked if the road commission has the ability to rescind the driveway and grant it to the northerly parcel. Then the northerly parcel could grant an easement to the southerly parcel. Mays agreed.
- g. Doernenburg noted that this can be tied back to the zoning ordinance, which states: "safe, convenient, uncontested and well-defined vehicular and pedestrian circulations will be provided for ingress/egress points and within the sites."
- h. Coveyou asked if there is room for another building on the lot. Doernenburg reminded that we are only reviewing what is before us.

The applicant addressed the Planning Commission regarding the parcel in question:

- a. Serenity from Ironwood Construction is present on behalf of Sunrise Electronics, who has a purchase agreement on the parcel. The owner of the parcel, IBIS, is not present this evening. Sunrise Electronics received a letter from IBIS stating that they will not grant an easement to Sunrise Electronics and that IBIS will still be marketing the parcel to the south. Serenity noted that she has reviewed the access management plan and the other alternatives for a shared access or a backwards alley access and those do not seem to fit. A concern is if the parcel to the south would become a residence, how could a residence share a drive with a commercial business. The nature of the business is mostly home, business and audio installations with very few sales and car/foot traffic. Vehicle installations are set up by appointments only. It is nothing near the traffic you would see at the dentist office to the north, or to Toski Sands. This use would be just a bit more traffic than a residential use. There is a significantly wider area of asphalt at the proposed driveway location, which allows for incoming traffic to decelerate before entering the drive. As far as another building, the parcel is 200ft wide. The way this is set up, if another building were to be proposed, zoning would restrict it to residential.
- b. Olliffe asked if the extra asphalt is for the bike trail. Serenity clarified that the bike trail is on the other side of the road.
- c. Coveyou asked about the plan for semi traffic. He is concerned about traffic on M-119 in the summer.
  - i. Don Schreiber noted that typically, they use UPS or FedEx shipments. Every once in a while, something may come freight, but that is not a regular occurrence. Semis could back in like they do at circuit control.
  - ii. Serenity noted that a semi could pull into the parking lot and back up to the side building. On the south side of the building is an overhead door where they could receive a shipment. They would not have to back in off of the highway. It was also noted that the existing location is even tighter. Semis could also pull in and backup in the parking lot, so they could also pull out.

- iii. Doernenburg noted that backing in from M-119 is not an acceptable solution.
- d. Urman asked how many parking spaces are needed. He asked about warehousing and storage. Would the storage be for your business or for something else in the future? You would need to sign an agreement stating it would only be for your use.
  - i. Doernenburg clarified that parking requirements are met based on ordinances. 12 spaces would be adequate and there is room for additional parking if needed.
  - ii. Schreiber noted that the storage would be for Sunrise Electronics.
- e. Brown asked about the anticipated customer count. Would there be more consumers with a showroom?
  - i. Schreiber noted it would be 5-6 on a typical day. This is by appointment only. They have a showroom now and this is the typical count.
- f. Haven asked that the hours of operation be provided.
  - i. Schreiber clarified that the hours of operation would be Monday-Friday 8-5pm.

#### Audience Comments:

- a. Doug Lehman, Lakeside Club Condominium Vice President and owner of one of the condos, noted that he would like to reiterate the comments made by the Pachlas. The concern is for drainage, lighting and screening of the property. The tennis court area has a view of this parcel. He also clarified that the outdoor storage behind the parcel is from Lakeside Club, who has an easement to store boats and trailers in that area.
- b. Michele Germain, Lakeside Club Condominium President and resident of Lakeside, made remarks regarding access to Lakeside. It is extremely difficult to turn out of Lakeside in the morning. The trucks from CCC block access and sight. Allowing trucks on this parcel may block their access to and from Lakeside. She would consider moving access to that property to the north. Germain also expressed concerns with snow removal and drainage. Toski Sands has paved more behind the building, which has caused a large drainage issue for Lakeside. Water runoff is overflowing ponds and encroaching on buildings. She would like a plan for where the snow will be stored. Germain asked where the dumpster will go (Doernenburg clarified it is on the south east side of the parking area) and is concerned about screening. She also expressed a concern with noise near two residential communities.
- c. Eric Ginsburg, resident of Lakeside, noted a concern with traffic near the back of the building. He would like to see evergreen screening on the east and south side of the building, because this parcel can be viewed from the condos. He feels the hours are not a problem, however, traffic is an issue. There needs to be a pedestrian light near Toski Sands. Ginsburg also noted a concern with drainage. Water from snow removal could cause a problem for the residents of Lakeside.
- d. Doug Roosa, resident of Lakeside, would like to echo the concerns of his neighbors. Drainage continues to be an issue and the traffic issue on M-119 is also a big concern. There are many driveways along M-119 and people constantly turning in and out. It is dangerous for bikers crossing to use the bike path as well.
- e. Paul Friedman, resident of Lakeside Club, concurs with his neighbors.

#### Applicant Rebuttal:

- a. To address the concerns of Lakeside Club, Schreiber noted that traffic coming around the back will be for employees, so there will not be continuous cars coming in and out. Likely it will be 2-3 cars, when employees are pulling in in the morning and leaving in the evening. Most everything else is by appointment.
- b. Serenity noted that the site plan shows a retention pond. The snow is going to be stored in the side and in back in a retention pond, which meets runoff requirements. The snow storage area in the back is an area 80ft wide by 68ft deep, where the snow can percolate before it goes into the retention pond. The rear of the building is approximately 140ft off the property line, and the setback is only 35ft. In regards to M-119, a semi would not need to wait to pull in. The truck could pull in, unload, turn around in the parking lot and pull out. There may be 1-2 semis per week, but that is not as many compared to daily semis at circuit. Lighting has not been finalized but it will meet the dark sky requirements and will be minimal in the evenings. The signage would be as required and approved by Emmet County before installed.
  - i. Haven asked the plan for signage. What are the dimensions? Serenity noted that nothing is set in stone yet. Doernenburg clarified the maximum dimensions allowed.
- c. Urman asked about materials, and feels this is incomplete. This is for site plan review. He also asked about a landscaping plan.
  - i. Serenity noted that it is complete for Planning Commission purposes but not for construction purposes. The plan is to use 26 gauge rolled steel siding, a two-toned grey color (single color in back) with a steel roof. The trim color would be darker to match. The owner would like to have shutters around the windows and a covered entrance with timber framing. There would also be stone around the pillars as you enter. Most of the screening is already on site and would remain on site. Of the existing trees, she believes only two would be going away (the trees in the retention pond).
- d. Coveyou asked if you can see this from the tennis courts.
  - i. Michele Germain stated that you can.
- e. Urman asked if we can require landscaping.

- i. Doernenburg clarified that for non-residential uses that abut a residential use, “there shall be provided and maintained greenbelts, fences or walls”. You cannot require decorative shrubbery, but can require screening 4-6 ft in height.
- ii. Mays suggested continuing the treeline that is already in the back of the property.
- f. Haven asked about the drainage issue. Are we supposed to have more documentation besides the proposed retention?
  - i. Doernenburg clarified that the calculations for drainage are provided but she did not receive anything back regarding direction of the flow. It does meet ordinance requirements.
  - ii. Serenity clarified that snow storage to the side will be 180ft long (from east to west) by 18ft wide, which is 3240sq ft along the south side of the parking lot.

**Motion** by Mays to postpone Case#PSUP20-017, Ironwood Construction for a Special Use Permit and Site Plan Review for an electronics & precision equipment repair and maintenance business at 2420 Harbor-Petoskey Rd, Section 27 of Bear Creek Township, tax parcel 01-16-27-200-002 and as shown on the survey dated October 02, 2020, because the applicable standards of Articles 5, 20, 21, and 22 have been met except for details regarding the loading areas, additional screening, snow storage, signage, impact on the neighborhood in terms of noise and traffic, hours of operation, designation/maneuverability for emergency vehicle access/semi trucks, and to address our access management plan in regards to the driveway. 2<sup>nd</sup> by Haven.

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

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

**Passed**

**X. Case PSUP20-020 David Coveyou, SPECIAL USE PERMIT & SITE PLAN REVIEW- Campground, 4160 US 131 Hwy, Section 30**

*David Coveyou will be recusing himself from this case.*

Tammy Doernenburg gave a background to this case:

- a. Doernenburg explained that we have reviewed this property in the past. This is a new request for a Special Use Permit for a campground and accessory uses on a commercial farm, to include social events. This property is located in section 19 and 30 of Bear Creek Township, on the west side of US-131 and it has access on the 131 location and property on Gregg Rd. Doernenburg noted some changes to the staffing report: The parcel 100-006 is addressed 4160 131 and all parcels are zoned FF-1. The parcel 300-011 is actually addressed 3805 Cemetery Rd, which is the north westerly parcel. The parcel 300-012 is the vacant parcel that is located on the northeast corner of Gregg Rd. The proposal is to continue to use the access on 131 from the farm and to traverse through the farm property to get back to the campground. The proposal is to abandon Gregg Rd and access the campground on the north side of Gregg Rd. The campground would be used in conjunction with the events center/tent area. The parking is proposed to be kept natural as grass. There are campsites that would be available, either yurts or cabins. There would also be a common area for sanitary facilities as well as the event center, which would be more of a tent that would be taken down when it is not in use. Doernenburg shared a map as to how the campsite would be accessed from the 131 access. The vehicles would traverse through the farm, go down a part of the (abandoned) Gregg Rd and go into the campground. The portions on either side of Gregg Rd would be abandoned and berms would be put in place. The road commission staff has issued a letter stating that they would support the request to abandon Gregg Rd, but that would have to be done through the road commission itself. MDOT also supports that and indicated that the access is acceptable for this type of use. There is overflow parking indicated that would be used for events. There is a considerable amount of trees and landscaping shown. There is an existing greenhouse straddling the property lines along Gregg Rd. Doernenburg showed details regarding the campsites themselves. In regards to the bathhouse and utility/storage garage, it would have a bike rack on the south side, a porch around the structure to be used as a gathering location. There is parking in front of that. The typical site would have either a cabin or a yurt and a firepit. The entire property is 150 acres (although the Coveyous own more land than that). Doernenburg noted that an event space must be an accessory use to the farm operation. The hours of operation for events would be limited to 8am-11pm. The applicant indicated music would end at 10pm. The sound system must be 1000ft from off premise dwellings, and that is met. The owner has to occupy the property, and they do occupy an adjacent parcel that is part of the property complex. The guidelines of more than 20 acres in area as well as the setbacks are met. The applicant has indicated 5 events per month, and the events would only be held May-October. The parking has to be 100ft from the side and rear property lines, which is met. Screening from public view has been met. Lighting has to meet the standards of the ordinance for dark sky compliance and signage would also have to meet ordinance standards. The campground use has to be approved by the State of Michigan with regard to sanitation and must be placed on a parcel which is at least 10 acres in size. Those standards have been met. Additional review from the health department would be required or from the DNR. The health department did submit a letter stating that permits would be required, but they did not have any objection. The event area would be screened on the backside. The proposal is for a Special Use Permit for a campground with an accessory use for special events to be used in conjunction.
  - i. Kendziorski asked where the second event center is located on the site plan.
    - 1. Doernenburg confirmed that it is a smaller inside gathering area to be used for ceremonies. The main event space would be used for tented receptions and larger gatherings.
    - 2. Mays asked if it would be located in the barn, where it was proposed earlier. Doernenburg confirmed it would not be.
    - 3. Haven asked if the tent would come and go. Confirmation that it would.

ii. Kendziorski noted that the site plan reads “accessory agricultural use”. An event is an accessory use, but would it be considered an agricultural use?

1. Doernenburg explained that it would be considered accessory to an agricultural use. The ordinance reads the intent is to “promote and maintain local farming, preserve open space and farmland, maintain the cultural heritage and rural character, maintain and promote tourism and protect residential uses from negative impacts of commercial uses.” “Permitted uses could be social events, which includes weddings and receptions.”

iii. Kendziorski asked if yurts need to be permitted like tents would.

1. Doernenburg noted that campground rules are different when it comes to permitting.

The applicant addressed the Planning Commission regarding the parcel in question:

- a. William Coveyou shared the historical context of the farm. The farm has been here for 146 years, and he and his siblings are the 6<sup>th</sup> generation. Over the time that the farm has existed, the operational use has evolved. What started as commodity crops has now become an on-farm market that sells organic produce. This proposal is the next evolution of the current project. While this is classified as a campground, the Coveyous will consider it a farm stay. Individuals staying on the farm will have the opportunity to participate in farming activities. This is partially an educational project. They foresee hiring someone full time to have a program manager type roll. Coveyou noted that his father, David, is very set on maintaining the quality of this farm, and he would not degrade the land in any way. This location was chosen because it is a beautiful spot tucked into a corner of their property. You would not know it was there from the road or even to other local residents. It is secluded, and noise wise, you cannot hear the highway traffic. This sheltered piece is an attractive place to come visit, and offers a unique experience for young and old. Coveyou also highlighted the difficulty finding employee housing. It would be nice to use some of these cabins/yurts to provide housing to Coveyou’s employees.
- b. Dusty Christensen, from Mansfield, was hired by the Coveyous as a land use consultant. The proposed development is primarily concentrated in the northwest corner of the site, north of Gregg Rd, which is proposed to be closed and abandoned (under the direction of the road commission). Vehicular circulation will use the existing curb cut on 131, which MDOT has indicated is sufficient. Vehicular traffic will travel on a gravel drive through the existing farmyard north and then west along the existing Gregg Rd and then the drive turns north and turns into a 28-space gravel parking lot, which has been provided for the campground. The sites are scattered amongst the trees. There are 20 sites that will have either platform tents or yurts. These are considered non-permanent structures. There are five propose cabin sites to the sound of the campground compound. The state would also consider the cabins to be non-permanent because they will be placed on platforms. The proposed bathhouse/comfort station would also double as the check-in building. That houses the community restrooms for the campground itself, as well as the front desk, as well as a wrap around porch for gathering and sitting. That would have a storage component as well with an overhead door for equipment and materials to be stored out of sight. Adjacent to the gravel drive and parking for the campground is an overflow parking lot. That would be used for events and there is an additional 76 parking spaces there. Due to the size of the property, the potential for overflow grass parking for events is basically limitless. The event spaces lie directly south of the campground in between the camp cabins and the Gregg Road right of way. The smaller of which to the west is considered the ceremony space and the larger event area is the location where a tent can be set up for events such as a wedding reception, graduation party, fundraiser, etc. On the site plan shows a dashed line which represents the 1000ft buffer for amplified music from offsite residences. This plan complies with that ordinance standard. The intent is for speakers to face towards the unoccupied property to the west so that noise isn’t traveling towards adjacent residences. The 20 campsites with the platform tents and yurts will share the restrooms in that main comfort station building, while the five resort cabins will have plumbing and water hookup. Those restroom facilities (both in the cabins and in the comfort station) will be served by drain fields which will be located south of the event spaces. These are in an open area to the south of the event space. The campsites will be served by a pedestrian trail of either woodchips or crushed stone. Campers will park and carry their belongings to their campsite. If it is dark out, bollard lighting is proposed along those walkways and throughout the campground. Bollard lighting is shorter in scale than parking lot lights, it is about hip high and the light is directed downward towards the path. This is an easy directional lighting system for users on the site. Those lights and any other lights on site will be full cutoff and comply with dark sky standards and details can be provided in the future if needed. The dumpsters will be located on the west side of the larger farm storage building on the north end of the farm compound. The dumpster is in compliance with county ordinance standards in regards to dumpster screening. The main drive will be widened and improved to accommodate fire trucks and emergency services. There is a T-turnaround built into the parking lot that complies with fire code standards, to allow for emergency vehicles to be able to turn around. There will not be a conflict between the two proposed uses, because if you reserve the event space, you also reserve the campground. The intention is that folks who use the event space would also use the campsites to stay at the end of the evening. This would also prevent noise from events from negatively impacting campers. The State of Michigan approval for campgrounds will come down the line, because you need municipal approval in order to receive campground permitting from the state. All state regulations for campgrounds will be followed. We will be going through the campground permitting process but cannot do that until we have local approval. The easternmost and westernmost portions of Gregg Rd would no longer be traveled, only the middle portion would be used. Berming and landscaping would be put into place to prevent



vehicular passage on that roadway once it is closed. The road closure elements will be taken care of with the road commission and to make sure they follow the regulations for that process. Christensen noted that the cabins are one story with gabled roofs. There was a representative photo in the packets. These will comply with the height standards in the ordinance. In regards to signage, the signage for the farm stays will be located at the same place as the existing sign. The existing sign will be updated to note scenic farm and farm stays. The sign will remain the same dimensions. The signage will comply with the ordinance requirements. It is intended that all soil disturbance on site comply with the soil erosion and sedimentation control standards of the county and state. If we meet the thresholds for the requirement of a soil erosion permit, we will apply for and obtain one prior to construction. The health department is made aware of this project and they do not see a problem with the proposed drain field locations as shown on the plan. However, those will need to be permitted and reviewed by the state campground office when the time comes.

#### Audience Comments:

- a. Robert Smith noted that social events really isn't defined. He asked if all of this is taking place in section 19, how is section 30 involved?
  - i. Doernenburg clarified that section 30 is referenced because of the access through that parcel.
- b. Dan Goldsmith noted that the maps shown in the presentation tonight are not the maps he received in the mail. He would like more time to review this. He would also like to know what is defined as a social event and made remarks about the Gregg Rd closure.
- c. Kathy Coveyou explained that from an operations standpoint, her previous life before the farm was in hospitality. Her degree is in hotel and restaurant management, so they are not going into this project blindly. They developed this consciously of what goes on around them and want the highest possible quality.
- d. James Doull noted that this isn't a true "campground" with RVs, and he considers that a good thing. However, he noted that that is a dangerous spot for traffic, and is glad that it is only cars pulling in, not trailers. He feels limiting this to the back corner of the property is an appropriate place.
- e. Edna Shaw is worried about the traffic and safety pulling into the driveway. She feels this will cause more accidents.
- f. Bud Reilly is worried about people coming up the west end of Gregg Rd. People may spin out on a gravel road and it can become dangerous.
- g. Al Welsheimer asked the width of the trails to the back of the yurts. He explained that for EMS purposes, an ambulance needs to be able to get back there in case of an emergency. He asked what material would be under the woodchips on those trails.
- h. Wendy Wieland, from MSU extensions, remarked that as agriculture has evolved, the entire business model of agritourism continues to be a strong economic development aspect. It keeps things vibrant and goes beyond the business, by also helping other tourist activities in the area. It builds a tie to the public. It can be through a unique agricultural or nature-based experience. Research has indicated that agritourism has not yielded, it is not going away. She is looking forward to being a resource on this project.
- i. Amy Gray lives on the property next to the parcel in question. She is concerned about the smoke coming from the campground, as she has family members with asthma. She also expressed a concern with campers hiking the property and accidentally trespassing. How do you keep campers on property? She noted a concern with the turning radius and road closure, and asked how the sewer system will work.
- j. Buddy Gray expressed a concern with the music and social events going well. He asked if there are going to be big trucks going in and off the road, as well as construction to rework the road. If there are events, how will this affect wildlife on the public property adjacent to this land?
- k. Bud Gray noted a concern with the employee housing aspect. He feels it seems like a way to sell more farm product instead of doing more farming. He noted that the land hasn't been farmed in 30 years, and wondered if firewood would be sold to campers? Is that another retail item?
- l. Stephen Bodnar congratulated the Coveyous on the wonderful job done on the farm. He appreciates the thought that has gone into this project, especially the consideration as to how it may affect others. His concern is the noise to the neighbors. As long as the decibel levels are enforced and the neighborhood stays quiet, this could work.

#### Applicant Rebuttal:

- a. Christensen explained that he respects everyone's concerns. From a planning perspective, this project draws on a lot of things that brought people to this area. Planning Commission's preserve things they love about where they live, which often includes preserving agricultural land. The Emmet County Planning Commission amended their ordinance to allow activities to take place to help protect farms. That is an important thing to consider in this project. It also must be considered what could happen instead of this proposal. Based on the acreage here, 200 units of housing could go in instead. A farm is more likely preferable than this dense housing. The traffic generated by a campground will have a sporadic coming and going. Traffic concerns often deal with peak hour traffic, however, a campground use with its 25 sites won't produce nearly as much traffic as a housing development would. They have preliminary comments from MDOT which note that the existing curb cut is acceptable. In regards to the noise and trespass issue, the location of amplified music is placed in such a way that it is pointed away from residences. There is also a 1000ft buffer between the amplified music and offsite residences, as required by the ordinance. The ordinance also has an enforceable noise standard by using decibel levels at the property line.

- b. Kathy Coveyou explained that it would be a benefit to have at least one Coveyou employee on site at the campground at all times. Only 10% of the units would be for employee housing.
- c. Will Coveyou noted that MDOT has approved the use of the existing driveway.

Board Discussion and Questions:

- a. Haven asked if this project is contingent on Gregg Rd being abandoned. He asked if abandonment by Emmet County makes the road private and would it only be accessible to the Coveyous at that point? Do property rights of Gregg Rd go to the Coveyous? He noted that the 1000ft standard for amplified music has been met. The drain fields will be subject to health department approval, so that is taken care of. He feels that the Shaw's concern about traffic is legitimate, however, if Gregg Rd was abandoned, it would get rid of the dangerous intersection of Gregg Rd and the highway. He noted concerns of neighboring residents, such as the Grays, and would like to give the residents an opportunity to see more of the detailed work on these plans.
- b. Mays feels the concept of the project is excellent. However, she is concerned about setting a precedent with this case.
- c. Brown asked how many cars would be anticipated per event. He noted that Gregg Rd coming from the west is rough and suggested putting a berm further towards the west. He also would like to see events defined. His biggest concern would be everyone coming through the MDOT approved entryway.
- d. Kendziorski congratulated the Coveyous on their well thought out project. She feels it is a great concept but is also fearful of setting a precedent. She asked how many people would be at each event. She asked if there was a way to ensure that this would stay cabin/yurt camping and that RVs and campers couldn't come in the future. She asked about trailers and trucks coming to help set up for events, as well as a spot for catering trucks on the site plan. She also asked about making sure the camping was handicap accessible.
- e. Keiser noted that if the road was abandoned, it would go back to the Coveyous for the most part and would become private property.
- f. Urman would like to see a clarification on number of events and sizes. He would also like to make sure that the State of Michigan and DNR approvals will be in place. He asked if we would like input from Resort Township. He would like to see a floor plan for the cabins, even if it is a conceptual floor plan. He noted that the well, septic and campground permitting will all have to happen in the future. He wants to make sure an ambulance can get back to these campsites and also wants the public to have time to further review the plans. He suggested a fence or a marker for property boundaries. Urman expressed a concern with traffic driving through the farm while it is an active working farm. Could you include a speed bump of some sort? He asked if the approved use at the main barn would still be in place. (Doernenburg confirmed that it would be). In that case, if there were two events using one access, that could be a concern.
- g. Will Coveyou explained that they are only asking for road closure because the road commission and MDOT requested it. He is not anticipating any negative affects on the neighbors. There will be no disturbance to them, noise or otherwise. The event size would be limited to 150 (small weddings would be the goal). As far as precedent is concerned, the Planning Commission approves things on a case by case basis. While a campground may fit this setting, it may not fit another proposed farm setting. In regards to the possibility of two events happening at the same time, Coveyou assured the board that this will not be the case. They have not had any events in the barn yet, because they cannot do that without amplified music. The road to the farm will need to be widened and gravel will need to be put down. As far as sewage is concerned, they are not going to want it to be running out, or to have a poor sewage situation. They have taken into account the handicap restrictions and made them closer to parking lots to accommodate handicapped individuals.
- h. Christensen remarked that the colored plans shown by Doernenburg tonight are not new, simply colored copies of the plans given to commissioners. He will look into widening the trail for EMS purposes.
- i. Kathy Coveyou noted, in regards to the road cutting through a working farm, that the passage is not adjacent to the workings of the farm. There is no farming activity that goes along that road. Most of their farming activity is marked by a fence.
- j. Haven remarked that while this is a precedent, it is one that we will hold to a strict standard.
- k. Dan Goldsmith noted that he was not provided with a packet.
  - i. Doernenburg explained that neighboring residents receive a notification letter. That letter states that if you want more information, you need to ask. The packets are only for commissioners, unless neighboring residents ask for the information.
- l. Kendziorski asked if there is a way to restrict this so that RV camping would not be allowed now or in the future.
  - i. Doernenburg noted that this can be done in the motion.
- m. Urman remarked that this will need to go to the road commission.
- n. Mays asked if Cemetery Rd turns into a gravel road. She also noted that two events happening simultaneously would be a lot of traffic coming on and off the highway.
  - i. Urman confirmed Cemetery Rd does turn gravel.
  - ii. Coveyou noted that they do not foresee two events happening simultaneously.

**Motion** by Mays to postpone Case#20-020, David Coveyou for a Special Use Permit for a Campground Facility and a Site Plan Review for an accessory agricultural use at 4160 US-31, Section 30 and 19, Bear Creek Township, tax parcels 01-19-30-100-006, 01-19-19-300-011, 01-19-19-300-012 and as shown on the Site Plan Sheets 4-6, dated October 12, 2020, to receive public input on the

proposal, to receive more clarity and definition regarding the road closure at Gregg Rd, to allow neighboring property owners time to review further information, to address on the site plan emergency access to the campsites, to add to the site plan the number of events per month and maximum number of people per event, to add possible boundary markers at the property line, to consider an easement for ATVs and snowmobiles, to consider an additional road from the north of 131 into the property and to consider an additional berm on the westerly side of Gregg Rd. 2<sup>nd</sup> by Brown

iv. Roll Call: Olliffe, Kendziorski, Brown, Mays, Urman, Haven

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

2. Abstaining from Voting- Coveyou

**Passed**

**XI. Case PPTXT20-01 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**

Tammy Doernenburg gave a background to this case:

- a. Doernenburg noted that she is asking the Planning Commission to consider a text amendment to the zoning ordinance. This would change the cutoff dates from 22 days for ZBA and 24 days for Planning Commission to have submittal deadlines of 28 days for both. This is consistent with West Traverse, Pleasantview and Resort Twp and Cheboygan County, which require 30 days. This would allow staff additional time to review applications and publish them.

**Motion** by Haven to approve Case#PPTXT20-01 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. 2<sup>nd</sup> by Kendziorski.

1. Voice Vote- Unanimous

**Passed**

**XII. Next Meeting:** November 18, 2020

**XIII. Adjournment:** 10:56 p.m.

Respectfully Submitted,

*Emma Kendziorski*

Emma Kendziorski, Bear Creek Township Clerk

Jeff Haven, Recording Secretary