

Bear Creek Township Planning Commission Meeting January 27, 2021- Zoom Meeting

I. Called to order: 6:30 p.m.

- II. Roll Call:** Mays (Bear Creek Township, MI), Brown (Bear Creek Township, MI), Olliffe (Bear Creek Township, MI), Kendziorski (Bear Creek Township, MI), Cyphert (Bear Creek Township, MI), Kargol (Bear Creek Township, MI)
- a. Absent: Jeff Haven
 - b. Others in Attendance: Tammy Doernenburg, Denny Keiser, Emily Meyerson, Carlin Smith, Kirk Rose, Al Welsheimer, Connie Golding, Ben Manthei, Toni Drier, Nancy Salar, Karin Klause, Mark Peterson, Ken White, Tracy Beckley, Nick Liebler, Joseph Prcela, Craig Lively, John Johnson, Terrance Roswick, Marc Rodstein, Tom Urman, Bill Johnson, Dennis Argyle, Greg Somers, Arlene Reno

III. Election of Officers

Motion by Cyphert to appoint Mitch Brown to be the chairman of the Planning Commission, 2nd by Mays. **Unanimous**

Motion by Kendziorski to appoint Jeff Haven to be the vice-chair of the Planning Commission, 2nd by Mays. **Unanimous**

Motion by Kendziorski to appoint Jim Kargol to be the recording secretary of the Planning Commission, 2nd by Brown. **Unanimous**

IV. Pledge of Allegiance

V. Housing Presentation- Emily Meyerson

Emily Meyerson shared that she is part of the Housing North and Little Traverse Bay Housing Partnership. She has been in the area for about 25 years and has been working in planning and zoning and non-motorized transportation in that time. She noted that many of the housing problems we are discussing today are the same problems that were happening 25 years ago. Meyerson explained that in Emmet County, we are facing a workforce shortage, which stems from the housing shortage. The housing shortage is causing a lack of workforce, which in turn causes a lack of business and growth in the area. It is difficult to attract businesses or young people/families to the area due to this housing shortage, which in turn is bad for our local economy. There are many barriers to the housing shortage issue: At this point, construction costs in the area are up to \$250-300 per sq. ft. There is a high cost of property and high cost/lack of infrastructure. There is also a shortage of trades, as many tradesmen are working on high profit vacation homes, rather than workforce housing. Additionally, zoning restricts the type or amount of homes that can be built. Meyerson shared that there is often public opposition to housing developments. Statistically, in Emmet County, about 32.5% of homes are vacant (most of these are seasonal homes). In this area, we have seen a change in demographics. Many homes that used to house 2-10 people now house 1-2 people. Lastly, state grants often go to urban areas. These are just some of the barriers causing the housing shortage in our community. Meyerson clarified that we need housing for all levels of workforce in our community, not just subsidized housing. She shared the common statistic that an individual should not pay more than 30% of their income on housing every month. However, she noted that there is a new, more accurate statistic. An individual should not pay more than 45% of their income per month on housing plus transportation. In order to find affordable housing, many people are forced to make a long commute, which inadvertently makes their housing less affordable than it seems to be. In Emmet County, 26% of individuals pay more than 30% for housing. That is, for the individuals that have housing. There are many individuals who cannot find housing at all. There are two issues: a lack of housing and the fact that the housing that is available is not affordable. In Emmet County, 92% of individuals are paying more than 45% for their housing plus transportation. That indicates that a vast majority of individuals in the workforce here are commuting. This time spent commuting could be spent investing in the community, or socializing, or in time spent working on physical and mental health. Overall, time spent commuting is time that could be better spent to benefit our community. In 2020, the average Emmet County home value was \$250,000. An affordable home for a family of four would be \$176,500. In Emmet County, the current need for housing is 2288 units total: 1825 rental units and 463 homeowner units. Of those 1825 rental units, we need 1242 with rent under \$650/month (to serve those making less than \$26,000/ year). With regard to homes, we need 183 homes at a value of \$150,000 to serve families that make an income of \$60,000 or less per year. In the City of Petoskey alone, 543 rentals are needed. Next, Meyerson shared the solution to the housing shortage. Some possible solutions include grants, low interest loans, financial partnerships, land donations, and tax incentives. In our community, we need to build public support for our housing needs. We also need legislative and policy changes, training for the trades, large multi-family projects, and short-term rental regulations. All of these things working together can create a solution. In Bear Creek specifically, some barriers to the housing shortage include: vacation/seasonal homes, available housing going to short-term rentals (currently 2% of homes in Bear Creek are short-term rentals), high land values where there is infrastructure, the high cost of building, and zoning limitations. Meyerson suggested implementing some of our master plan goals to become housing ready, by changing zoning, creating year-round housing incentives, developing walking trails, and providing tax incentives. Additionally, Housing North has a campaign called Homes for our Future. Bear Creek can support this campaign through a resolution of support. Meyerson noted that our master plan calls for higher-density residential. The developers want to come into places that are already housing ready. She also explained that we are missing middle housing, which includes townhouses, duplexes, triplexes, fourplexes, cabin courts, etc. A single-family neighborhood can include some of these different styles of housing to create a walkable community. To summarize, we need to make housing a priority in our community, to support zoning changes to include different types of housing, and to consider rezoning areas for higher density residential. We need to work on developing a non-motorized plan to create walkable communities in areas closer to town or to businesses. We can also work to support housing projects through tax incentives such as PILOTS. The housing problem can only be solved by many people working together.

- a. Keiser asked where in Bear Creek there are possible development locations that have infrastructure. Meyerson suggested areas close to the city, such as Atkins to Division Rd, as well as filling in where there are single-family developments already. She noted that the areas in the master plan designated for high-density residential make sense.

- b. Doernenburg shared that the current density is 7-10 units per acre. The middle housing program is valuable and has great information for sparking conversations. Meyerson noted that Emmet County has changed some things for single-family, but if you were to add some duplexes within there, that housing could add up.
- c. Cyphert asked if developers work with Meyerson's office. Meyerson shared that she always reaches out to make herself available for developers, but they are not required to speak with her.

VI. Approval of Minutes

- a. **Motion** by Mays to approve the minutes as presented from the Planning Commission Meeting of November 18, 2020. 2nd by Olliffe. **Unanimous**

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

Applicant Requested Case be Postponed

VIII. Case PPUDF20-01 Chase Bank c/o John Johnson with Wesney Construction, FINAL PLANNED UNIT DEVELOPMENT & SITE PLAN REVIEW, 1580 Anderson Rd, Section 7

Tammy Doernenburg gave a background to this case:

Doernenburg shared that the Planning Commission reviewed this in 2020 to amend the PUD. This PUD encompasses properties that start on the north side by where the movie theater is, then goes down Anderson Rd to Cemetery Rd, across those properties. It extends south to Lears Rd and crosses Anderson Rd to encompass Lears Rd north of Plaza Dr to US 131. The proposal that was approved was a preliminary PUD for an ATM machine on this site. Doernenburg shared the original site plan from 2005, which shows snow storage along Anderson Rd in the setback area and behind the buildings. On the proposed site plan, the ATM does meet the 50ft perimeter setback and it displaces about 15-17 parking spaces. It shows that snow storage would occur in the parking area of the development. The parking standards would still be met. The applicant provided a snow storage plan in response to the staff report. There has not been any issues with parking in the street, or a lack of parking at all. The proposal is a final PUD request and site plan review. There is some issue with regards to the height of the proposed light. They are asking for a 30ft high pole, and 20ft is the maximum according to the PUD agreement and standards. The lighting shown is two lamps; Doernenburg believes one would be sufficient and we will need details as to what type of lighting is proposed; the fixtures have to be full cutoff and down directed only. We also will need to show the levels of the lighting, because our ordinance does have strict standards for lighting levels. We also received a graphic of what this addition would look like along Anderson Rd. There would be a 2ft curb between the non-motorized trail and the vehicles, 6in in height. The five parking spaces 10x20 meet the standards for stacking. The overall size of the ATM is 6'x13'x9.5' high. No additional impervious surfaces are proposed.

- a. Kendziorski asked if they are allowed to put snow storage in the parking area. Doernenburg clarified that in theory, these are supposed to be two different designated areas, but at this point it hasn't been a problem. If it is, we can enforce it, as parking takes precedence in this case.

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

Ken White, the engineer for the project, addressed the Planning Commission. He noted that reducing the light pole to 20ft is not a problem. This is a square LED light and the light will be directed downwards.

- a. Brown asked if there will be any disruptions to the lot during construction. He asked when construction will begin and if it will be completed by the summer. He also asked if there will be any anticipated traffic issues off of Anderson.
 - a. White noted that they will put up traffic control as necessary, and after approvals, the construction will take about a month to complete. This project will be finished before summertime. There are no anticipated traffic issues, as the only access to this will be through the plaza.
- b. Cyphert asked if there will be a security issue with individuals on the walking trail being able to watch an ATM user enter their information. Additionally, are the cameras that take pictures of the ATM users going to take pictures of the people on the walking trail in the background?
 - a. White explained that the security here is not any different than a walk-up kiosk. Most likely, the vehicle will block the view of the person on the walking trail. The camera will face down to only capture the individuals using the ATM. Joseph Prcela, market director of Chase Bank, stated that the cameras are trained on the transactor and vehicle only. The intention is to only see the person at the machine.
- c. Olliffe asked if we need another ATM there. Additionally, he made notation about potential affects to the landscape. This would also potentially bring in other ATMs in the future.
 - a. Prcela noted that the client base is asking for an ATM in this market. There is no drive-up ATM in the downtown Petoskey area, and clients are seeking that service. White explained that this project is going to take place completely in the parking area and will not impact existing landscaping. There will be no open trenching.
- d. Kendziorski asked if the Planning Commission only approved one ATM in the preliminary PUD. Doernenburg clarified that we approved the use, so potentially, another bank could come.
- e. Brown asked if there will be staging in the greenspace. White clarified there would not.

Audience Comments:

Keiser asked if the parking did become a problem, if there would be enforcement. Additionally, is there any enforcement of debris from the snow melt? Lastly, he agrees that this is a needed service and a good location.

- a. Doernenburg clarified that if parking became an issue, they would have to move the snow somewhere else, as parking is the main use. There is enforcement for the debris written in the PUD.

Board Discussion and Questions:

Cyphert asked if there would be signage for the traffic flow.

- a. White noted that the signage will include the Chase logo on the approach leg of the canopy. On the drive-thru itself, there will be painted directional arrows on the pavement. On the exit, there will be a do not enter sign.
- b. Mays noted that in the winter, you cannot see what is painted on the ground. Would it be possible to put up signage?
 - a. White noted that there is a do not enter sign on the other side to notify drivers.
 - b. Doernenburg remarked that signage does require approval before it is installed, so she can look at that detail.

Motion by Kargol to approve PPUDF21-01, John Johnson of Wesney Construction for Chase Bank for a Final Planned Unit Development and Site Plan Review on property located at 1580 Anderson Road, Section 7, Bear Creek Township, tax parcel 01-19-07-300-039. Approval is to permit a drive-through ATM as shown on the Overall Site Plan and supporting plans all date stamped Jan 11 2021 because the standards for the plan is in keeping with the Preliminary PUD Plan approved by the Board of Commissioners and the standards of Article 17 and 20 have been met based on the facts presented in the case. Approval is on condition that the light pole be reduced to no greater than 20 feet and lighting details and signage be provided and reviewed by the Zoning Administrator prior to installation. 2nd by Cyphert.

i. Roll Call: Olliffe, Brown, Kargol, Mays, Kendziorski, Cyphert

- 1. Yes: Olliffe, Brown, Kargol, Mays, Kendziorski, Cyphert
- 2. Absent: Haven

Passed

IX. Case PPUDP21-01 FOMCO, LLC PRELIMINARY PLANNED UNIT DEVELOPMENT RESIDENTIAL OVERLAY, Orchis Tr & Monarch Way, Section 25

Tammy Doernenburg gave a background to this case:

Doernenburg shared an introduction and history that pertains to two out of the three Hearthside Grove cases. Hearthside Grove is a community that began in 2002 as a 347-unit manufactured home community. It was approved by Bear Creek Township when they had their own zoning. At the time, it was a special use permit request in the I-1 zoning district. There is a boulevard entrance off of US 31, with an entrance on one side and exit on the other, with signage in the middle. The access off 31 was approved in 2002. Once the township approved the use in 2002, it became something that the state reviews (they have oversight over manufactured home communities). There is no longer zoning review or approval after the initial approval is conducted. There are some things that need approval, such as the wellhouse in 2003, or the community center. In 2007, a notice was sent to the county from LARA, indicating that they had jurisdiction over this development, even though they were planning to condominium-ize the sites. They were under single ownership up to that point, then they decided to sell individual lots to owners within the development. In 2015, Emmet County received notice from the state of Michigan that the manufactured home community was set to expire and that it would not be renewed by the state. The county asked for clarification from LARA and met with Emmet County civil council, the developer, and Bear Creek Township representatives. During that meeting, clarification was asked of LARA. In 2016, Emmet County and Bear Creek Township building department received notification from the state that they were going to retain jurisdiction over this development. In 2018, the Monarch development, which is accessed from Bellmer Rd and the interior of Hearthside Grove, was developed through a special use permit for land development standards. That property is zoned FF-1. In 2020, Doernenburg received an inquiry from a property owner within Hearthside Gove and from the township asking if there was a maximum size of a dwelling that could be placed within a lot within Hearthside Grove. Doernenburg sent a letter to LARA and asked if they retained jurisdiction in perpetuity and she received a formal letter from them on October 20, 2020 indicating that the state would no longer retain jurisdiction and that the development would be under local jurisdiction. On December 16, 2020, after meeting with civil council, Doernenburg sent a letter to the developer and to a homeowner's association within the development indicating that the development was now under local zoning jurisdiction as of October 20, 2020 and in order to continue to develop the lots, they would have to seek zoning approval. Our zoning ordinance does not have any provision (other than the PUD Residential Overlay) for allowing the density, setbacks, and the use of RVs as a sole use that we have within this development. The zoning map shows this area as I-1, with the Monarch portion zoned FF-1. Doernenburg showed the original plan which was developed in 2002 with 347 units of a manufactured home community. To this point, nothing has been built within the Monarch development. The large majority of lots within Hearthside Grove have been development. They have infrastructure for RV use, and those are typically motorcoach. There is one single-family dwelling and one community center within this development. Doernenburg shared the public comments, some of which were addressed in support of all three requests, some of which were in support of two requests. This completes the history and introduction to the Hearthside cases.

- a. Brown asked if there are three or four parts overall to Hearthside Grove development. Doernenburg clarified that there are four overall. We have three tonight, and a preliminary plan was submitted for the fourth, but not in time for this meeting. She anticipates it coming at the next meeting.
- b. Kargol asked what is considered manufactured housing. Doernenburg explained that they were double-wide modular type units. There were 4-5 placed within the development between 2002 and 2007.

Doernenburg gave a staff report on the first case, PPUDP21-01. She shared that this is the last portion that came into the development, called Monarch Way and Orchis Trail. This is accessed through the Hearthside development on the private road system and is accessed from Bellmer Rd; both are gated at the public road. This is zoned FF-1 and there are no structures currently in this development. The lots are all one acre in size or larger. This would be a private road maintained by the homeowner's association for Monarch Condominiums. The proposal within this PUD is to allow recreational vehicles as a standalone use or as a permitted use with or without a main use. It is also to allow accessory buildings as a main use up to 2400 sq ft. and to allow outdoor storage with proper screening. The perimeter setback is supposed to be 50ft from a PUD boundary. In this proposal, it is 35ft on the south along the Carriage Lantern Estates, which is Vis a Vis subdivision. There are some locations where the setback is greater than 50ft where there is common area. The proposed setback is modified down to 35 ft, which is the underlying zoning setback for farm and forest. During the 2018 approval, 17 site-condos were approved. Site Condos are a form of land division and land ownership, it is not a condominium per se. These are all single-family type lots. The entire area is 28 acres. The setbacks are consistent with the underlying zoning of FF-1.

There is an individual well for each site and septic is proposed for each site except lots 1-9, which would share a community septic system, that is located on the south side of lot 17. The Health Department review would occur with each lot as it is developed. There is no change in storm water drainage since the original plan was approved. The Fire Department approval was submitted with the original plan layout. The sign at Bellmer Rd has been approved, although, right now, it is not in compliance, as the sign is larger than the 32 sq ft that is allowed. The entrance off Bellmer Rd has been paved. This is a commercial driveway entrance consistent with what the road commission requires. There is open space where trees have been removed and Doernenburg shared a concern from a neighbor about tree removal. We do not regulate tree removal in a development of this size, unless it is required that they retain trees (which it was not in the original approval). The proposal on this case is a preliminary PUD and if this is acceptable, the developer can move to the final PUD phase. Non-residential uses would have to go back before the Planning Commission for complete site plan review.

- a. Mays questioned the south border, which backs up to Carriage Lantern Estates. The setback was 50ft, but was proposed down to 35ft. Can we bring it back up to 50ft? While 15 ft won't make much of a difference in their lot, it will make a big difference to homeowners on Vis a Vis. She asked why lots 1-9 share a septic and noted that the septic field seems far away. Additionally, it seems that some of the hashed area is not really open space. Mays asked if the enclosed structure near the gate is the dumpster. That dumpster seems to sit right in front of lot 17. She asked if the drivers will come in from Bellmer Rd and asked if these lots will be homes or motor homes with a side building. Mays asked if the condo owners would own the property.
 - a. Doernenburg suggested bringing that rear setback back to 50ft and then bringing the front setback forward. That way, the developer isn't losing any space.
 - b. Kirk Rose explained that the septic had to do with the soils and how the septic would work for 9 units. The drain field is away from the 9 lots- it is a forced main, so it is pumped. Rose shared that he pulled a permit for lot 12, which is already cleared. There is a well permit for that in process now, as well as septic. He noted that the hashed area is not open, but part of the unit along with a common area. It is not a recreation space. Rose clarified the dumpster location. There will still be plenty of room to build a small home on lot 17. The drivers will come in from Bellmer Rd, and these lots could start as motor homes but could develop into larger homes. Property owners would own the entire lot.
- b. Cyphert asked about surface water. We do not want to create a situation in which this development would cause issues for Carriage Lantern Estates.
 - a. Rose shared that all the lots drain to the north and there is a detention basin.
 - b. Mays asked if water testing has been complete, and how far they would have to go to get water. She is concerned that this will take water away from the wells in Vis a Vis.
 - i. Rose is expecting 100-150ft and noted that the Health Dept is conscious of not taking water away from another source.

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

Rose feels that Doernenburg did a good job in explaining the project, and is open for questions.

- a. Keiser shared that he received a phone call from the owner of lot #1. He is concerned about the 35ft setback behind his lot. Keiser suggested leaving room in the back and moving towards the front.
- b. Rose noted that the reason for the 35ft setback is that they wanted to leave a natural view along Monarch Way if possible, with vegetation. Moving the setbacks forward would take away from the buffer along Monarch Way. Rose shared that they started to plant trees along the entrance and ran out. They were planning to put more trees along the back edge of the lot. The trees within the 35ft buffer would stay because of the way the bylaws are written.
 - a. Mays noted that we do not want to take away the scenic quality for the neighbors, and does not want to see a loss of trees. She does not want this to become all wide-open space.
 - b. Kendziorski suggested a compromise, in which we left the setback at 35ft, but the developer planted heavy pine trees along the outside of the 35ft, either on the development side or the Vis a Vis side. This would create a nice buffer between the two.
 - c. Cyphert noted that these are fair lot sizes (anywhere from 1-1.4 acres). They are quite deep comparatively speaking to Carriage Lantern. He is inclined to move it back to 50ft. Mays agreed.
 - d. Rose suggested keeping it at 35ft and planting trees every 15-20ft within the 35ft setback. They could do it as each lot is developed. He asked if it was 50ft, if individuals could cut down trees. Doernenburg clarified that you could make it a condition of the PUD that trees not be removed.
 - e. Kargol noted that if you try to plant trees either along the 35ft or within it, these trees will be scrawny and they may not grow with the direction of the sun in this area.
 - f. Kendziorski clarified that when she suggested this, she did not mean that the trees be planted within the 35ft, but in addition to the 35ft outside of the setback, either on the development side or the Vis a Vis side.

Audience Comments:

Craig Lively asked if the notification that was sent to homeowners to the south told homeowners that they are asking for a 35ft setback variance instead of 50ft. Would it be fair to let individuals know this specifically?

- a. Doernenburg shared that the notification did not specifically state the request for 35ft setbacks, but it did indicate that it would allow farm forest uses.

Dennis Keiser feels it is a reasonable compromise to allow a 35ft setback with the planting of trees. It could be as the lots developed, but we need to ensure that the trees will be maintained. There should be no further cutting of trees within the 35ft. Additionally, these should be nice sized trees when they are planted, not seedlings.

- a. Kendziorski feels we need to clarify if the trees will be planted within the 35ft or outside of it. Additionally, which side will the trees be planted on?
 - a. Rose suggested putting trees on the south side closer to the homes. Mays agreed to put the trees on the Vis a Vis side. She likes the project, but wants to protect the neighbors.

Tom Urman would like to look at the backup drainage field. He also would like to make sure the fire department recommendations are followed. In regards to the screening issue, so far it has been well done on the back side. Planting additional trees along the homeowner's side would continue to make this a nice development.

Applicant Rebuttal:

Rose noted that the bylaws encourage people to keep as many trees as possible. They would like a buffer as well. If we required trees, he would plant them, but each lot is different. He suggested 5-7 trees per lot. In regards to drainage, there is a backup drain field that is built into the plan.

- a. Mays asked if there was screening for the drain field area. Rose confirmed they built a berm on the backside. Al Welsheimer, fire chief, questioned the use. He was under the impression that these would be "toy box buildings", places to store recreational vehicles and such. Is this now going to be residential? Welsheimer asked how deep the pond would be and how much water it holds. He asked if it is a natural flow and if it is a water feature. Lastly, he noted that they will need to work on the knox boxes and gates.
- a. Rose noted that the original concept was a toybox with residential in it. Now they have more calls for people wanting a 1500-2000 sq ft home with a barn that could potentially house a boat. Rose noted that the pond is about an acre large and is 6.5-7ft deep. This is filled from ground water and is a water feature.

Board Discussion and Questions:

Kendziorski asked if we should wait until next month so we can address all four phases at once. Brown agreed, and would like to see it all as one piece.

- a. Doernenburg noted that from a zoning perspective, this is one PUD, but each has its own application. Keiser asked if there is a separate code to go into Monarch. It would be nice to walk a lot.
- a. Rose will work with Keiser to allow access.

Arlene Reno asked about the well situation. She is a neighboring homeowner who recently had to put in a 200ft well. She is concerned that putting in these units will take away the supply of the spring in Vis a Vis. She is also concerned about the septic system. Reno shared concerns about the 17 lots and the increase in traffic and noise that will be caused by this development. She noted an increase in accidents on Pickerel Lake and Bellmer Rd and asked if there will be a light going there. Reno asked if these would be for higher clientele and asked about the setback from the center line of the road to the property. She expressed a concern about individuals coming onto her property.

- a. Rose shared that the Health Dept will take into consideration wells as they are drilled based on where they are located. They have not drilled a well there yet, but the Health Dept approved 17 wells, so there should be enough capacity there. Rose noted that they did do a deceleration lane in their development and that some of the traffic on Pickerel Lake this summer was from the highway construction. He is not anticipating a lot of extra traffic from these 17 homes.
 - b. Keiser offered to meet with Reno to discuss the setbacks and explained that individuals cannot be driving on her property.
- Urman clarified that this is a preliminary PUD.

X. Case PPUDP21-02 FOMCO, LLC, PRELIMINARY PLANNED UNIT DEVELOPMENT RESIDENTIAL OVERLAY, Vacant Land Within Hearthside Grove (Phase VI), Section 25&26

Tammy Doernenburg gave a background to this case:

Doernenburg shared that this is a preliminary PUD for the undeveloped area of Hearthside Grove (Phase VI). This is the undeveloped portion on the west side of Condo I. Condo I is accessed through US 31 to the north and Condo II will be discussed in the next case. We have a lot of detail provided on this plan, which shows individual lots, which would be consistent with what has been developed already within Hearthside. They are asking for some additional uses, which a PUD Residential Overlay allows. These uses would be consistent as accessory uses to the residential development. Proposed uses are an office/management building for residents, parking for that facility, storage, and the possibility of a restaurant in the future on a lot to be determined. There would be 81 residential lots (which could have recreational vehicles with or without a main use), accessory buildings incidental to a main permitted use, the possibility of a community center, storage buildings, customary accessory buildings, merchandise store, professional and real estate offices, dwelling units attached to commercial uses and restaurant with outdoor dining. These would be accessory to the residential community, if they were approved. There is a potential access from Fochtman Industrial Park Drive. There are no new accesses proposed from US 31. This parcel is zoned I-1, so this would be an overlay. It includes two vacant parcels totaling 45 acres. It is a preliminary PUD residential overlay, which includes a perimeter setback modification from the required 50' to using the underlying zoning standards from the perimeter of the PUD residential overlay area. The lots vary in size from 7,400-15,000 sq ft. The density would be 1.8 residential units per acre. There is some wetland identified on the preliminary plan and that is shown to be left in its natural state. Surrounding uses include industrial to the west and the north and residential use to the south and east. There was a concern from a neighbor regarding the 200x500' buffer area. This buffer area is in the southwest corner of the development that was originally approved. The neighbor who expressed the concern would like to make sure that this buffer is maintained. There is a dumpster that is shown on the east side of the access drive and we would have to ensure that is outside that buffer area. The proposal is a preliminary PUD and if this were to be approved, it would allow the applicant to come back with final plans. As each individual lot is developed, zoning permits would be required. The final PUD would give us the setbacks per residential lot. As the non-residential uses are developed, those would come before the Planning Commission as site plan review.

- a. Mays asked about the modification to the setbacks. Doernenburg clarified this would go back to the underlying zoning of 20ft. There are some areas where there is a greater setback because of the natural condition of the site.
- b. Cyphert asked about the buffer zone. There is a storage area adjacent to the buffer zone- what is to stop encroachment into this area? Additionally, how many dumpsters would there be?
 - a. Doernenburg noted that the site plan dictates what can go in the buffer zone. The amount of dumpsters is a detail that will come about in final review.

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

Kirk Rose noted that the 200x500' is part of the original approval. They are not planning to develop that area.

- a. Bill Johnson, an owner in Hearthside Grove, asked what the planned water source is for this area and wants to make sure there is a sufficient amount of water. He asked about gates in this area. Would this be a gated community?
 - a. Rose is unsure if there would be a gate there. In regards to the water source, this would be the well system that they have and the sewer would go out to Fochtman Drive. There will need to be a new sewer connection there. Rose noted they have started the permit process for the water system; the capacity and wells are available, it will simply take some engineering to make it happen. There is not an issue with supply at this time.

Audience Comments:

- a. John Johnson, a Hearthside Grove owner, expressed a concern regarding the additional traffic this new phase will add. The access proposed is through the Condo I's roads, which are paid for and maintained by the association.
- b. Al Welsheimer noted concerns regarding the water source. There is concern about the capacity of the water system for fire purposes. As it is now, the fire suppression system is taxed out and barely meets requirements. If there is a potential restaurant use, there will need to be a certified engineered water plan, as this system currently does not meet the requirements for a fire protection system (it would be a changed use). He noted that the system has to be updated to that standard and noted that if there is a gate, there will need to be an activation device.
- c. Dennis Keiser wanted confirmation that there will be no more development in the southeast corner.
- d. Dennis Argyle is a Hearthside Grove owner in Phase I. He feels the Roses do a phenomenal job and made remarks about staying with the ordinance regarding traffic/roads.
- e. John Johnson explained that this use seems to be different than what the Condo I owners signed up for. This is no longer residential when you bring in retail and other businesses. What is to say that a gas station wouldn't come in? This will dramatically alter the community there.

Applicant Rebuttal:

Rose shared that in regards to capacity, he was not aware of engineering for fire protection. He will get the guidelines to the engineer to ensure this is happening correctly. In regards to the corner piece, that is farm and forest and there is language in the original PUD as to why it was reserved. In regards to the additional accessory uses, Rose shared that when you apply for a PUD, you need to consider any future use. He used the language from the zoning ordinance as much as possible. He wants this to be a harmonious community, which started as small units and can now move to larger homes. This project has evolved. By putting a PUD overlay on this property, you are putting a cap on the industrial zoning and what can be allowed there.

- a. Doernenburg shared that if you have a PUD overlay with accessory uses that are complimentary to residential use, they have to be identified on the preliminary plan, then put on the final again. Those commercial uses, even after the final PUD is approved, will have to have a detailed site plan, and that process is public as well. All commercial uses would have to be consistent with the master plan.

Board Discussion and Questions:

Mays asked if the accessory uses would be open to the public or would only be for owners within the development. How would they get in to a gated community?

- a. Rose shared that, just like the Clubhouse on site, this would primarily be for use by the 200 residents, but would ultimately be open to the public. This would mostly be to serve residents of the Hearthside community. Public would be allowed in through the gate, as they are now.

Kendziorski asked about the potential road maintenance issue. Is this something that we have jurisdiction over or can the Roses and Homeowner's Association work this out?

- a. Doernenburg explained that they can decide on a maintenance and cost agreement on their own, but they will need to let us know who will be managing the roads.

Cyphert asked about access and increased traffic.

- a. Rose noted that most of this traffic is in the summertime, when the residents are there, and typically, each household has two people and one car. This is well under the typical two-car garage four-person family. They have a nice boulevard entrance which helps people get in and out safely. Individuals could either use the Fochtman or highway entrance.

XI. Case PPUDP21-03 William Barfield for Hearthside Grove II Association PRELIMINARY PLANNED UNIT DEVELOPMENT RESIDENTIAL OVERLAY, Ciderpress Dr, Marshside Dr & Hearthside Dr, Section 25

Tammy Doernenburg gave a background to this case:

Doernenburg explained that Condo II is the developed portion that is being requested to be reviewed. The majority of Condo I is the portion that is likely to come before us in the next meeting. Condo II is surrounded by the vacant area currently. There are 24 units (25 total but one is undevelopable). The property is zoned I-1. Most of those sites are already developed, and it has its own homeowner's association. There are no new accesses proposed- they are all private roads within the interior of Hearthside Grove. This proposal is a mechanism to allow for approval by the Planning Commission and to allow for development and expansion on these sites if they meet the standards that are in place. The sites were originally approved as part of the manufactured community in 2002. The parcels had

some oversight by the state of Michigan. There are 24 residential lots and approval is necessary to proceed forward. This PUD-RO would adjoin the other PUD-ROs, so no setbacks would be required. Interior setback standards are proposed as developed and as per condominium document standards. Lots vary in size from about 7,500-13,565sq ft. Density is approximately 3.25 residential units per acre. The common elements include the pond and front yard setbacks are 10ft, sides are 5ft, unless they are otherwise depicted on the plan. If the PUD is approved at this stage, the applicant will proceed to bring forward a final plan. This is surrounded completely by other Hearthside Grove residential lots. They do allow for some amount of impervious surface on each lot and they are nicely landscaped. The proposal is for Hearthside Grove II, a PUD Residential Overlay Preliminary.

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

Rose explained that he serves as the management of Hearthside II. They will have a further review for the final. At this point there are only two vacant lots.

- a. Mays asked for clarification on lot 165 and the future development area. What is that area and would it cut into the 200x500' buffer?
- a. Rose clarified lot 165 and noted that it would not cut into the 200x500ft area.

Audience Comments:

Bill Johnson, homeowner in Hearthside III, feels it is unclear as to what this would change. These lots are already developed, with the exception of two lots, and those two lots are developed as RV lots.

- a. Doernenburg explained that there is no one approving zoning at this point, if anyone wanted to add a structure, they would have to seek approval from the ZBA. The state of Michigan used to have oversight, but they are no longer retaining jurisdiction over this development. This approval would give jurisdiction to the local zoning. This also helps homeowners because it removes the state of non-conformity.

Dennis Argyle is supportive of this case and appreciates the process.

Applicant Rebuttal:

Rose explained that the reason they have provided so much detail is that they have an active permit with the state until July. They are in the process of working towards these 80 units and having them built and constructed.

- a. Karin Klause, owner in Hearthside, is in support of this PUD-RO request.

Welsheimer noted that even though this has been developed, it still does not solve the water supply situation. There are requirements for the fire code of a certain amount of water availability. The requirements need to be met in order to handle the density of water. The homes and coaches burn fast, and water is crucial. The system has to be upgraded.

- a. Rose asked if you could put in dry hydrants off the system already in place.
- a. Welsheimer stated that would not work; instead, he suggested an additional well with storage tanks.
- b. Rose will work with Welsheimer to correct the engineering on this project.

Board Discussion and Questions:

Kendziorski asked if these cases can be acted on collectively.

- a. Doernenburg explained that in case of a postponement, it can be done collectively, whereas in the case of approval or denial, this must be done individually.

Cyphert asked if this needs to be approved this month or if it can wait a month until we have all four pieces together.

- a. Rose noted that they got their application in as soon as possible and it is important to move forward. At this point, no one can build on these lots. It is hard to sell a lot no one can build on.

Brown would like to see the last portion before we move forward.

Keiser noted that potentially, we could look at a preliminary and a final PUD next month.

Motion by Kendziorski to postpone until the next regular Planning Commission meeting PPUDP21-01, FOMCO, LLC, PRELIMINARY PLANNED UNIT DEVELOPMENT RESIDENTIAL OVERLAY, Orchis Tr & Monarch Way, Section 25, PPUDP 21-02, FOMCO, LLC, PRELIMINARY PLANNED UNIT DEVELOPMENT RESIDENTIAL OVERLAY, Vacant Land Within Hearthside Grove (Phase VI), Sections 25 & 26, and PPUDP21-03, a request by Bill Barfield for Hearthside Grove II Condominium for a Preliminary Planned Unit Development Residential Overlay for developed parcels within the development known as Hearthside Grove accessed via US-31 Hwy within Section 25 of Bear Creek Township for the following reasons: further review by the Planning Commission and to complete the PUD as one unit. 2nd by Olliffe.

- i. Roll Call: Mays, Kendziorski, Cyphert, Olliffe, Brown, Kargol
 - 1. Yes: Mays, Kendziorski, Cyphert, Brown, Kargol
 - 2. No: Olliffe
 - 3. Absent: Haven

Passed

The Board took a brief recess at 9:28pm and came back into the meeting at 9:33pm.

XII. Case PSUP20-001 Nicholas Liebler, SPECIAL USE PERMIT- Change of Use to Medical Offices, 1727 Anderson Rd, Section 7

Tammy Doernenburg gave a background to this case:

Doernenburg explained that this is a special use permit requesting a change of use on Anderson Rd in an existing church building. The church itself was originally approved as a change of use. It is in the vicinity of many other commercial uses, medical offices to the south, commercial retail across the road, and a furniture store to the north. The proposal is to use the existing church building, with the addition of a carport overhang area for patient drop-off and a reconfiguration of the driveway (not at the road, but within the property). The parking lot is well oversized for this use. It is 4.35 acres, zoned R-2. The site plan was approved for the church originally in 1983 and an addition was approved in 1997. The applicant proposed to use the existing driveway entrance and the road commission will have to give input since it is not a commercial drive. The setback and parking standards are met. They are proposing no exterior

lighting changes, however, those lights are all unshielded. Those will need to be shielded. There is a dumpster on site and a few storage buildings there as well. The dumpster will need to be screened to meet current ordinance standards.

- a. Kendziorski asked if the surrounding properties are residential as well. Doernenburg clarified that there is a PUD on either side.

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

Nick Liebler thanked the planning commission. He noted that this is a change of use from a church to a medical office suite. The current purchase agreement on this property is conditional based on approval of this special use permit. He noted that the storage units will most likely be removed, as it doesn't seem to be consistent with what the buyer wants to do. The entrance off Anderson will remain as is, but the driveway will be reconfigured within the property to allow for patient drop off. The parking is more than adequate; however, it is not striped. That will be brought up to current standards, as they are seeking safe circulation in the parking lot. There will be a new sidewalk added as an employee entrance in the rear. Additionally, there are some playground equipment items that will be removed. This use is consistent with the other medical suites in the area. Liebler shared that this will come back on the tax rolls if it is sold. The traffic will be less, more intermittent use than the church use before it. The snow is currently being plowed to the back of the parking lot, as there is excess parking. There is no retention pond on site.

- a. Olliffe reminded the applicant that there must be masonry screening around the dumpster. Liebler noted that all dumpster screening will be bought up to standard.
- b. Cyphert asked what the future land use is for this parcel, as marked by the Emmet County zoning map. Doernenburg noted that both Bear Creek and Emmet County's future land use maps mark this as commercial.
- c. Mays remarked that this is the only section not in a PUD.
- d. Kendziorski asked if it would be better to rezone this parcel to business. Doernenburg agreed that we should look at that entire corridor in the future. We can also look at areas that are R-1 or FF-1 that can be made R-2 to allow for higher density.

Audience Comments:

Greg Somers asked if it is spot zoning.

- a. Cyphert would like to move away from spot zoning and zone it commercial, as it is being used.
- b. Doernenburg clarified that it is not considered spot zoning because of the PUDs in play, but we will need to have a discussion about zoning here in the future.

Welsheimer remarked that they will need a Knox box and that this project will actually open up the radius coming in.

Board Discussion and Questions:

Brown asked Doernenburg if she is waiting on road commission review.

- a. Doernenburg confirmed, but noted that it will not change the site plan at all.
- b. Mays asked if they would have to upgrade their driveway to commercial if the road commission required that. Doernenburg confirmed.

Motion by Mays to approve case# PSUP21-001, Nicholas Liebler for a Special Use Permit for a change of use to allow a medical office at 1727 Anderson Rd in Section 7 of Bear Creek Township, tax parcel 01-19-07-300-011 as shown on the Site Plan dated Jan 11, 2021 based on the facts presented in this case, because the applicable standards of Articles 5, 20, 21, and 26 have been met, and that the lighting and dumpster be changed to meet the standards of the ordinance, that the driveway meet the standards of the road commission, that storage units and playground equipment be removed from the property, and that snow storage be shown on the site plan. 2nd by Olliffe.

- i. Roll Call: Kendziorski, Cyphert, Olliffe, Brown, Kargol, Mays
 1. Yes: Kendziorski, Cyphert, Olliffe, Brown, Kargol, Mays
 2. Absent: Haven

Passed

XIII. Public Comments

Keiser acknowledged that it is hard to meet via zoom, and we have added adjustments of new commissioners and the new tablets. It looks like we will be zooming for a while longer. The commissioners would like to see the timing changed on the tablets so they stay awake longer. Kendziorski will change the settings.

XIV. Other Business

Proposed Zoning Ordinance Text Amendment- Draft- Administrative Review of Permitted by Right Uses

Doernenburg explained that in the land use matrix, there is a list of permitted by right uses and special land uses. The proposal is to amend the zoning ordinance to allow for staff along with two appointed planning commissioners to review site plans for uses that are permitted by right. By policy, a member of the township board or township planning commission would also be involved. This would reduce the size of the planning commission agenda and reduce the length of time for an applicant to have to go through the site plan review process. This would allow for permitted by right uses (where no neighbors are notified), plus under 30,000sq ft of gross floor area to go through this administrative review committee. She is looking for input from the townships. This would give the planning commission time to work on other things. Doernenburg did note that anything that is an enforcement issue will come before the planning commission, even if it fits in this category.

- a. Keiser suggested a monthly report to the planning commission of the cases that were approved by the administrative review committee. Doernenburg noted that this was already in the proposed amendment.
- b. Brown feels this is a good idea and likes the idea of the report as well.
- c. Kargol asked if the county would like to do this. He stressed the importance of finding the right people for the committee.
 - a. Doernenburg remarked that the county would like to hear back from the townships first before it goes to public hearing. For consistency, it would be best to have two appointed people plus a township representative. At any point, if it is necessary, the applicant can ask to go through the planning commission process instead.

Motion by Cyphert to recommend approval of the proposed zoning ordinance text amendment- draft- administrative review of permitted by right uses. 2nd by Kargol.

Unanimous

Tablets

Kendziorski asked how the tablets were working. Aside from the timing out issue, Kargol recommended adding folders to the email to store cases by month. Kendziorski will add those for next month.

Housing

Doernenburg remarked that we need to make time to discuss housing. Mays asked about the Manthei development. Doernenburg shared that she has talked to them; they are working on finding affordable options.

Small Businesses

Keiser remarked that we need to find good places for small, local businesses to go. He noted that he would like to help Sunrise find a place in the township.

XV. Next Meeting: February 24, 2021 at 6:30pm

XVI. Adjournment: 10:18 p.m.

Respectfully Submitted,

Emma Kendziorski

Emma Kendziorski, Bear Creek Township Clerk

Jim Kargol, Recording Secretary