

Bear Creek Township Planning Commission Meeting

April 28, 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), Kendzioriski (Bear Creek Township, MI), Haven (Bear Creek Township, MI)

- a. Others in Attendance: Tammy Doernenburg, Denny Keiser, Ryan Diederichsen, Mary Pat, Tom Urman, Harry Dixon, Maureen Parker, Toni, Daniel Smith, Bradford Fleming, Connie Golding, Joy Wilkins, Kyle Wright, Brian Bates, Jim Nield
- b. Absent: Cyphert, Kargol

III. Pledge of Allegiance

IV. Approval of Minutes

- a. **Motion** by Mays to approve the minutes of the March 31, 2021 meeting. 2nd by Olliffe.

Passed

V. Case PSUP 21-007 Harry Dixon for Walloon Lake Country Club, SPECIAL USE PERMIT- Country Club- expansion, 711 E Bear River Rd, Bear Creek Township

Tammy Doernenburg gave a background to this case:

Doernenburg shared that this case is for Walloon Lake Country Club, who has purchased property in Emmet County (the club is located within Charlevoix County). The subject parcel is at the south end of Bear Creek Township on the corner of Howard Rd and E Bear River Rd. The parcel is zoned FF-1 and there is currently a house and accessory building on the property. The address for this parcel is from E Bear River Rd, but the access is from Howard Rd. The parcel is wooded to the north, and the site plan indicates parking and pickleball courts. The zoning ordinances does allow for several different consistent uses in the Farm Forest district. This was advertised as a special land use because it would be an accessory use to the country club. Neighbors as well as Melrose Twp (in Charlevoix County) were notified. The Melrose Twp planner indicated that there were no concerns. The Walloon Lake Country Club was also notified as part of this request. They are the only property on the south side, and the other neighbors on surrounding sides were notified. The proposal has parking, which is indicated to be within the front setback area. That parking would have to be relocated, however, there is adequate room on the parcel for that parking to be moved. The site plan indicated two pickleball courts with fencing surrounding the courts. The pickleball courts are proposed north of the existing accessory building in between the accessory building and the trees on the north side of the property. The neighbor's garage is 85ft from the property line, so it would be a distance away from the garage to the pickleball courts. On the north side, there is about 288ft of vegetation that would be retained. The property is 5.6 acres in area. The surrounding zoning is all FF-1 in Emmet County. The existing driveway is proposed to be used and the Emmet County Road Commission indicated that the request by Walloon Lake Country Club would be acceptable (for location and site distance), but that the commercial driveway criteria would have to be met for that access. The setback from Howard Rd should be 40ft (because it is a corner lot, there are two front yards and two side yards). Parking is proposed to be grass, so there will be no physical change for parking. The pickleball courts do meet the setback standards. The house and attached garage are on the property and no new structures are proposed as part of this review. The proposal is to waive the drainage standards because of the minimal impervious surfaces being proposed. The location is screened from neighboring residential uses by topography, trees and buildings. Snow management is not necessary as this is a seasonal use. No outdoor lighting was identified, but if outdoor lighting was to be proposed, it would have to be approved by the zoning administrator (and the same goes for signage). The pickleball courts are not shown with dimensions, but we do have a scaled plan. The fence around the pickleball courts would have gates for access. The proposal was advertised as a special land use for the country club. The fire chief has reviewed this and has no concerns. The proposed court location is primarily flat open space on the site. The proposal is a special land use for a pickleball court and parking on the parcel currently addressed as 711 E Bear River Rd.

- a. Haven asked if the address being different than the access would be an issue. Doernenburg confirmed that the address will likely be changing to match the access.

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

Harry Dixon shared that this proposal is for two pickleball courts between the pole barn and wooded portion of the lot, with access from Howard Rd. The parking would be located on the grass between the road and pickleball courts.

Maureen Parker added that the parking may be for cars, but also could be for a golf cart (someone arriving from the country club).

Brown asked about the parking in the setback area.

- a. Parker confirmed that the parking could be moved outside the setback area. There would be at most 8 cars there at a time (because only 8 people can play at a time). But even that is unlikely, as many people ride together. People play for two hours at most, so cars will not be sitting there all day.

Mays asked if the parking area could be designated.

- a. Parker suggested low stakes with rope, or boulders. Dixon confirmed that they have materials on site to designate parking.

Audience Comments:

- a. Dan Smith is a property owner directly to the west (on Walloon). He is concerned about the noise abatement. He is not sure how far the ping sound can travel. In regards to the french drain, he is not sure how difficult it would be to build a retention pond, but that is a possibility. He is looking forward to this project.
- b. Joyce Wilkins is a neighboring property owner. She is also concerned about the noise abatement, especially in the summertime. She noted that sometimes, people rotate when playing pickleball, so that could include up to 20 people. It can be

anywhere from 2-4 hours. She also noted concerns with drainage and with traffic. The road is quite narrow so increased traffic would be a concern.

- c. Denny Keiser asked if this would be open to the public or if this would be a club function.
 - i. Parker noted that this would be a country club function. Dixon noted that the tennis pro will be handling reservations. This service will be for members and their guests.

Applicant Rebuttal:

Dixon noted that the traffic will likely not change, as this will only be available to country club members. The number of members going to the club is not likely to change. There are currently 348 members and many of these members already come to play tennis. Brown asked if the noise will be an issue.

- a. Parker explained that there is a pop/ping sound to the ball, and this was discussed at length with the committee. This location was chosen to help mitigate that issue and contain the noise. If it does become a problem, Parker suggested that trees could be added.

Haven asked about noise abatement.

- a. Smith noted that typically a pickleball ping can travel up to 300ft, which is why it is suggested to keep courts 600ft from houses. The club can work this out in the future if it becomes a problem.
- b. Parker noted that Acoustafence is a brand of matting used for this issue. It is a big, thick mat that is hung on the fence and is filled with clay to absorb the sound. However, she would rather handle this with natural screening and landscaping. She believes these courts are far enough away that it will not likely be an issue. If it does become a problem, she doesn't have a problem with adding in some evergreen trees.

Brown asked how many cars are anticipated per day.

- a. Parker explained that because this is a country club function, check in will be required, so they can put a limit on parking spaces available. People could also walk over or take a cart.
- b. Dixon noted that they have stakes and rope available and can identify parking areas. He also explained that many members arrive by boat, so he is not anticipating there being many cars there.

Board Discussion and Questions:

Olliffe asked where the french drain will be located.

- a. Parker shared that the drain will run south to north along the perimeter of the north edge of the court. This french drain will catch water coming across the court. Overflow will be directed to the woods. This will all be clean water. They are purposely keeping the parking a grassy area so that they do not increase the impermeability of surfaces.

Mays asked if there will be a drinking fountain. She noted that partners will likely ride together.

- a. Parker shared that there will be no plumbing, so no drinking fountain. They will likely put out an igloo cooler with water. There will also be no lights or no nighttime pickleball.

Brown asked if the applicant is aware that they need a commercial drive. Additionally, will there be a lot of excavating to get this done?

- a. Parker noted that they will need to build up and stabilize one corner, but it will be simple.

Keiser asked if the pickleball court will be the only paved area, or if the entire fenced in area will be paved.

- a. Parker noted that the court is 20x44, and the area around it will also be paved (for if someone needs to go run for a ball that got away). The entire area within the fence will be paved. She is also planning some walkways to go to the gates.

Motion by Mays to approve Case #PSUP21-007, Harry Dixon for a Special Use Permit and Site Plan Review for a pickleball court and parking lot as a part of the country club use, on property located at 711 E Bear River Road (address which may change), Section 32, Bear Creek Township, tax parcel 01-19-32-300-017, as shown on the site plan dated 3/27/21 because the standards of Articles 8, 19, 20, 21, and 22 have been met based on the facts presented in this case and on condition that any exterior lighting and signage be reviewed by the Zoning Administrator, and an updated site plan being submitted showing the dimensions of the fenced pickleball court areas and that the parking meet the setback standard of 40 feet from the road right-of-way, and further to waive the requirement for a sealed drainage plan, and that the parking area be demarcated, that the courts be screened if noise is a problem, and that a commercial driveway be installed to meet the standards set by the road commission. 2nd by Haven.

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

Passed

VI. Case PSUP20-009 Kyle Wright for K Wright Holdings LLC, SPECIAL USE PERMIT & SITE PLAN REVIEW- Storage Buildings, Anderson Rd, Bear Creek Township

Ryan Diederichsen gave a background to this case:

Diederichsen explained that this case is a request for a special use permit and site plan review for the construction of storage buildings at 2147 Anderson Rd. The applicant is Kyle Wright and this parcel is within section 18 of Bear Creek Township. The subject parcel is off Anderson Rd on the east side, and is right across from Aldi. The access drive for the subject parcel is directly across from the access drive that leads to the Belle Tire site. Zoning to the west is R-1 and to the south is B-1 and B-2, and to the north and east is B-2. The subject parcel is zoned B-2. The site plan that was submitted shows two self-storage buildings surrounded by a paved parking lot. The building in the middle is 105x35ft, so that is the largest of the two buildings. And there is a second, smaller storage building on the north side of the parcel. There is proposed retention for overflow on the southeast corner of the site. There was some discussion regarding drainage with the applicant and engineer. They did modify some of the piping back onto the site. There is proposed landscaping along Anderson Rd to screen the storage buildings. It is required with the supplemental regulations for these storage units. This is a special use permit with supplemental regulations. They also included some deciduous trees on site, along with parking. The

applicant meets the parking requirement, with nine spots proposed (requirement is eight spots). The side wall elevations are proposed to be 9.5ft in height. The property is zoned B-2 and is 7.7 acres in size, currently vacant. The zoning to the adjacent properties is R-1 to the west, B-1 and B-2 to the south and east. Access would be off Anderson Rd. The Road Commission did approve this location, but required a commercial drive with pavement around. This site plan meets all setbacks. The general size of the buildings is 3600sq ft and 3000sq ft. The parking is provided, nine spaces total. There is a paved access approach proposed. On site water retention areas are provided, with drainage calculations being shown on the site plan. There is no dumpster location proposed. The applicant did indicate snow storage. There is no outdoor lighting or additional signage indicated. If the applicant should choose to do that, it can be done administratively in the future. The Road Commission approved for the commercial drive, but noted that the taper specifics will need to be reviewed.

- a. Brown asked if the trees will have to be kept alive or replaced. Diederichsen noted that this could be a condition of approval. Doernenburg shared that there is a provision in the ordinance that requires trees to be replaced if they are diseased or die.
- b. Mays asked if there will be doors on both sides of the storage buildings. She asked if parking is required, as normally people drive up to their storage unit. She asked if the parking spaces would be used for outdoor storage. We could stipulate that the parking not be used for outdoor storage.
 - i. Diederichsen explained that the middle building will have doors on both sides, and the smaller building will only have doors on the south side. All setback requirements are met. The ordinance requires parking spaces based on the square footage of the buildings.
- c. Olliffe asked if the drainage is adequate.
 - i. Diederichsen stated that the engineer feels this is adequate, and cited MDOT standards for velocity.

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

Kyle Wright shared that he is looking to propose two buildings. On the south side, there is a natural swale for drainage. He also explained that in the future, if he buys the two acres behind this lot, the drainage plan could change (for the better). He wanted to make sure he could have storage units before he acquired the additional property.

- a. Brown asked why there is no lighting proposed. He asked if people can access this 24/7.
 - i. Wright noted that he let Brian from Benchmark Engineering plan the site. He would also like to see some kind of lighting on those buildings.
 - ii. Keiser noted that lighting will be required in order to obtain a building permit, for safety reasons.
 - iii. Doernenburg shared that there are very specific requirements for outdoor lighting in the zoning ordinance.
- b. Brown would like to see conceptual drawings of these buildings.
 - i. Wright shared that the buildings would probably be a gray or earth tone.
 - ii. Kendzioriski noted that we could require a neutral color in the motion.
- c. Keiser asked if this will be a gravel driveway or pavement? If gravel, dust control measures will need to be made.
 - i. Wright noted that originally he had pavement proposed, but changed it to gravel for now.
- d. Keiser asked the height of the building. With the reduced plans, they are not to scale. He also made notes about drainage. When snow storage is plowed directly into the drainage area, debris builds up. We will need a maintenance agreement to keep that area clean. He also noted that there is 20ft between the two storage buildings. Is that a standard or what is proposed? If a long truck is backed in, it will block the entire drive.
 - i. Wright noted that for a small lot, they cannot fit more than 20ft.
 - ii. Doernenburg noted that the maneuvering minimum is 20ft between buildings.
- e. Brown asked if the Planning Commission has required pavement or has allowed gravel in past cases.
 - i. Doernenburg explained that the Road Commission does require a paved entrance.
 - ii. Haven noted that this could be curbed and guttered with a paved apron, and then have a gravel driveway within the site.
 - iii. Diederichsen noted that the applicant will need the neighbor's permission to curb and gutter, as the proposed taper on the south side does leave the property a bit.

Audience Comments:

Tom Urman agrees that there should be no outdoor storage allowed. He noted that we will need confirmation from the other property owner that curbing will be allowed. He also expressed concerns about snow storage and drainage, and gravel getting pushed into the retention pond. Additionally, he asked if the Planning Commission would like to consider something taller than 6ft cedar trees for screening. Urman would like to see a maintenance agreement in place for the retention pond.

Board Discussion and Questions:

Haven asked about the maintenance agreement.

- a. Doernenburg shared that this is a maintenance plan that the applicant would be required to submit. It would show how they plan to handle their drainage system if it becomes filled with sediment or stone. The applicant could review annually to show that the system is operating as it was originally planned.

Haven noted that in the past, we have steered away from cedar as the deer get to them. Urman agrees. We could use a comparable spruce.

Brown asked if we will need something in the motion to clarify the height of the building. Doernenburg noted that the Conway storage buildings are 9.5ft. Wright noted that this is the same company, so it is likely the same building.

Brown summarized the conditions desired by the planning commission: for lighting to be shown on the plan, conceptual drawings to be provided, to specify neutral colors for the buildings, that a drainage maintenance plan be provided, that dust control be in place, that no outdoor storage be allowed, for the cedar screening to be replaced by spruce, and that the buildings be a maximum of 9.5ft at peak height.

- a. Mays added that screening be maintained and that the neighboring property owners give approval for curbing.
- b. Keiser suggested making the maximum peak height 11-12ft.

Motion by Haven to approve Case #PSUP21-009, Kyle Wright for K Wright Holdings, LLC for a Special Use Permit and Site Plan Review for storage units on a property located at 2147 Anderson Road, Section 18, Bear Creek Township, tax parcel 01-19-18-100 021, as shown on the site plan with drainage details dated received April 8, 2021 because the standards of Articles 11, 19, 20, 21, 22 and Section 26.43 have been met based on the facts presented in this case, conditional upon satisfactory Road Agency Review, that any exterior lighting and signage be reviewed by the Zoning Administrator, the applicant receiving necessary permission for construction of curb and gutter, and a performance guarantee in the amount of \$12,000 be submitted prior to issuance of a zoning permit, and Fire Department standards be met, and that the peak height of the building would not exceed 12ft, that balsam spruce be used instead of cedar for screening (a minimum of 6ft trees), that no outdoor storage be allowed, that a drainage maintenance plan be submitted to the county, that conceptual drawing plans be submitted to the county for the county planning commission meeting (with condition that the buildings be a neutral color), and that dust control be applied as needed (for a minimum of once a year). 2nd by Mays.

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

Passed

VII. Public Comments: None

VIII. Other Business

a. Housing Ready Checklist

Doernenburg shared that she sent a housing ready checklist put together by Housing Ready North. She would like to Planning Commission to review it so that we can go through it next month. This will help the Planning Commission to come up with strategies moving forward. She noted that the Emmet County Planning Commission is going through this process as well.

b. Possible Upcoming Rezoning

Doernenburg shared that she met with Denny, Ryan, and a property owner who owns the L-shaped property across the street from the township hall. Part of his plan is to request a rezoning. Doernenburg asked if the Planning Commission would rather look at that whole area (from Bay View Association going south). There is a church and single family residence on those parcels currently. This would be a rezone of these properties from R-1 to R-2. The adjacent properties are R-2. Some of the uses being looked at include multi-family, as sewer is available. This may be an opportunity for additional housing in our area.

- a. Keiser noted that that area shows high-density residential in our master plan.
- b. Doernenburg noted that the township could apply to rezone all these properties, or if the applicant came for a rezoning of his property, a legal notice could be sent to the other property owners.

Mays asked if this would change taxes. She asked if the big section behind this parcel is R-1.

- a. Keiser noted that it would not change their taxes. Those would still be residential. However, it would give them the opportunity to put in multi-family if that area were to redevelop.
- b. Doernenburg confirmed the large parcel behind is R-1. Keiser noted that those large parcels behind are all vacant, and are accessed off Boyer and Meadow Way.
- c. Thank You

Tom Urman and Brian Bates thanked the Planning Commission for their participation in the county's special meeting. Urman suggested that if the opportunity arises in the future, maybe a joint meeting would be possible between the two boards.

IX. Next Meeting: May 26, 2021 at 6:30pm

X. Adjournment: 7:58p.m.

Respectfully Submitted,

Emma Kendziorski

Emma Kendziorski, Bear Creek Township Clerk

Jim Kargol, Recording Secretary