

Bear Creek Township Planning Commission Meeting

July 28, 2021

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

II. Roll Call: Mays, Brown, Cyphert, Kargol, Radatovich

a. Absent: Haven, Olliffe

b. Others in Attendance: Tammy Doernenburg, Denny Keiser, Ben Manthei, Jim Manthei, Kirk Rose, Ben Fettig, Scott Smith, Rob Mackenzie, Donna Reaock, Pamela Cushman, Richard Cushman, Brian Bates, Thomas Urman

III. Pledge of Allegiance

IV. Approval of Minutes

a. **Motion** by Cyphert to approve the minutes of the May 26, 2021 meeting. 2nd by Mays.

Passed

V. Case PREZN21-04 Ben Fettig from Harbor View Custom Builders for Brian Greene, REZONING, 2088 N US 31 Hwy, FF-1 Farm and Forest to I-1 Light Industrial

Tammy Doernenburg gave a background to this case:

Doernenburg noted that this is a rezoning case from FF-1 to I-1 at 2088 N US 31 Hwy. This location is on the south side of US 31 Hwy and was previously used for outdoor entertainment in the form of go-carts, mini-golf, and a driving range. A few months ago, the Planning Commission approved a site plan for the B-2 portion of this property, to have an outdoor display and a power sports sales lot. This parcel has B-2 in the front and FF-1 to the rear. This rezoning would just be for the FF-1 portion of the property. A site plan change was administratively approved for this parcel to allow for a storage building in the B-2 portion. Doernenburg shared the Emmet County Future Land Use Map from the current Master Plan, which shows this area as commercial, high density residential, or industrial. This parcel is adjacent to Fochtman Industrial Park. The Bear Creek Township Future Land Use Map shows this parcel as industrial. Doernenburg shared pictures of the site from before the current development started. Currently the structures and grass are gone, and this parcel is awaiting development. The total acreage is 42.9 acres. Adjacent to this parcel on the east is the industrial park (I-1), to the north is B-2, and to the west and south is FF-1. The current uses along the highway are all commercial. There is an electrical utility easement right of way that runs through the property and there is a vacant residence on the parcel located to the south (1200ft from the southern property line), also owned by the same person. Doernenburg shared the approved site plan for the north portion of the parcel (zoned B-2). The proposal is a request to rezone the FF-1 portion to I-1. This will go onto the township board and Emmet County Planning Commissioners, but the decision will ultimately lie with the Emmet County Board of Commissioners. Doernenburg shared the differences in allowed uses between the FF-1 and I-1 zoning districts, from the land use matrix. She noted that we will need to consider all permitted uses in I-1.

- a. Mays asked if the access to this portion of the property would be the same as what was previously approved. Doernenburg noted that there would have to be a change in the site plan to allow for any additional access.
- b. Cyphert asked about the future land use map. Doernenburg confirmed that the map shows residential to the south, and industrial on this parcel.

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

Ben Fettig noted that they are making this request because the owner of this property has the intention to put storage behind the power sports dealership. He is planning to keep the same access for both.

- a. Cyphert asked about acreage and how much would be developed into storage. He asked if the proposed access would be the same as the existing plan; he is concerned that this would be a drive through a parking area where people are walking.
 - i. Fettig noted that there are 42 acres total, but not all of it will be storage, because there are some wetlands. He explained that it will be the same access. This would be storage for the outdoor power sports business; this would not be mini-storage units.
- b. Radatovich noted that this is just a rezoning, we are not looking at a site plan yet. At this point, there is no confirmation that it will even be storage. At this time, we are looking at all uses in the I-1 district with a rezoning.
- c. Brown noted that the site meets the conditions to rezone and we discussed this parcel extensively for a possible industrial site during the Master Plan.
- d. Doernenburg clarified that even though it falls in two zoning districts, this is one tax parcel.

Audience Comments:

Richard Cushman asked about hours of operation. This is something that will be addressed when we go over a site plan.

Board Discussion and Questions:

Cyphert asked why this was considered industrial on the future land use map in the master plan. He is concerned about the neighboring residences behind this area.

- a. Keiser shared that we are out of industrial property in the township. When we were considering where we would want future industrial development, this is the area we considered, behind the existing businesses. There are sewer utilities there. There is a lot of wetlands and natural vegetation for screening between this area and the residences behind (on Pickerel Lake Rd).

Motion by Mays to approve PREZN21-04, Ben Fettig of Harbor View Custom Builders for Brian Greene to rezone the portion of the property located at 2088 N US 31 Hwy in Bear Creek Township from FF-1 Farm and Forest to I-1 Light Industrial, tax parcel 24-01-16-26-200-033 because the standards of the Zoning Ordinance for a rezoning have been met including: the Master Plan supports the rezoning. 2nd by Kargol.

1. Roll Call: Cyphert, Brown, Mays, Kargol, Radatovich

a. Yes: Cyphert, Brown, Mays, Kargol, Radatovich

VI. Case PPUDF21-07 Manthei Development Corp, FINAL PLANNED UNIT DEVELOPMENT RESIDENTIAL OVERLAY, Pickerel Lake Rd

Tammy Doernenburg gave a background to this case:

Doernenburg shared that this was a preliminary planned unit development that was approved on June 4, 2020. There are three parcels all zoned FF-1, for a total of 49.5 acres. There are 128 individual home sites proposed. This proposal is for a final PUD-RO review. This site was a former gravel pit with a water feature. That will be used for the lake front property. The lake is 8.4 acres in area. This proposal is consistent with the preliminary approved map, which showed that the sites will be all residential, and then there is a corner area that will be retained for uses accessory to a residential development. The July 2021 original plan has a small revision which looks at the road as it goes to the north and west. The new plan shows the road continuing around for fire safety and emergency vehicle access. This plan has a lake and open space area for access to the lake (for all residents within). Each parcel is abutting either the 50ft perimeter setback (which is maintained around the entire development), or it abuts some greenspace which has been added, or the lake itself. If this plan is approved, it will go onto the Emmet County Planning Commission for approval. If this is approved, each house would be authorized without further review. The non-residential uses will require additional review with specific plans for the buildings (height, size, etc). The Emmet County Road Commission indicated that the proposed accesses are acceptable where they are located, however, they will need to get driveway permits for each access. The Road Commission also suggested that MDOT should look at the plan to make a determination if they had any suggestions for the location of US 31 where Fochtman Industrial Park lets out, as there will be an increase of traffic there. The township is also working with MDOT for the intersection of US 31 and Pickerel Lake Rd. The properties are accessed off Pickerel Lake Rd and through Fochtman Industrial Park. There are 11.9 acres of additional greenspace as well as 0.88 acre for the beach and 1.25 acres of privately owned and maintained road right of way. There are also 1.35 miles of walking trails as well as a bus stop shown (in a location suggested by the bus garage). This is in a common area where everyone has access. There are storage buildings shown in the northwest corner. Construction is proposed in two phases. Phase 1 would begin in Fall 2021 and be completed in Summer 2022. The setbacks from the property lines are reduced, which is allowed in a PUD. The lakefront setback is 25ft. The minimum driveway length is 24ft. There is a minimum of 5ft front and side yard setback and a minimum of 10ft rear yard setback proposed. The fire department has no concerns with either the original or new plan. Haggard's Plumbing and Heating sent a letter of support for this request. Surrounding uses include medium density residential to the east, south, and west and industrial, storage, contractor's uses, and high density residential (Hearthside Grove) to the north. There are several details shown on the site plan, such as lot configurations. There are 49.5 acres total with 128 sites proposed. The density works out to 2.59 units per acre. Each lot is dimensioned differently and each will have a house and attached garage. The roadway is a private road (40ft wide total with utilities), with a 3ft walking path and 10.5ft driving lanes. Doernenburg shared photos of the site. This proposal is for a PUD-RO final. Additionally, she noted that the Manthei provided a sample deed restriction/provision from one of their other developments, which are conditions residents would have to abide by, such as maintenance, trash storage, where to park, etc. This is similar to a home owners association. The updated site plan date is 7/19/21.

- a. Mays asked if there was only one bus stop provided.
- b. Brown asked what MDOT's level of involvement is to date. Doernenburg confirmed that they are not required to be notified because the access is from county roads, however, the road commission suggested that MDOT should be involved.
- c. Kargol asked about the wetlands. Doernenburg noted that wetlands are delineated on the parcel on the north end. The development stays away from this area. Additionally, she noted that Fochtman Industrial Park has a county road. Mays confirmed that once the road was on their parcel, then it would become a private road, maintained by the developer.

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

Ben Manthei shared that he has done considerable research to discover what is the best use for this property within the needs of the community. They have considered everything from apartments to subdivisions; this proposed plan is a hybrid, which falls between the two. The proposal is for a land lease, where homeowners can buy a home and put it on the land. Manthei shared that they own four developments similar to this in CA and AZ. They have also been researching other developments like this in MI, and have recently looked at one in Grand Rapids. There are advantages to this type of development. Manthei noted that as an employer in the area, it is hard to find housing (to keep people in the area). This development will have three segments. The lots by the lake will be higher end, larger units with more amenities. On the southwest corner, the development will be called Pine Pond West. The northern area is Pine Pond North. On a 10 point scale, these three areas in this development will service levels 3-6 for housing. These homes will be serviced by sewer and they are working with Hearthside Grove to potentially put a storage tank on this development to service both communities. Or, if that would not work, they can put in wells. Manthei feels this development is about housing, but it is also about community. He wants to build a community which can provide optional educational classes. These classes build strong individuals, which in turn builds strong marriages, which in turn builds strong families. He wants to keep the upcoming workforce in the area by providing clean, nice housing, with some restrictions to keep it affordable.

- a. Brown asked if non-residential uses would be administratively approved. Doernenburg clarified that it would come back to the planning commission.
- b. Mays asked if there was going to be a second bus stop. She feels it is a far walk for some kids in the farther out part of the development. Mays asked if the people own the home and rent the land, will the land be affordable? She asked who would be responsible for mowing, cleaning snow off the driveways, etc.
 - i. Jim Manthei asked the bus garage, and they prefer to only stop once, but will stop twice if necessary. For now, the proposed location is the safest place to stop. He also noted that there will probably be less kids living in the lake lots. The outer lots are appealing to families because they have places for kids to run around.

- ii. Ben Manthei noted that the land will be affordable because of the tax savings on the home. They only have to pay tax on the garage. Jim Manthei noted that in a development like this, you would pay approximately \$300 per year for a garage property tax. The license fee is \$36, so it is all around reasonable. In this type of community, they will have 2-3 waste disposal locations, so the monthly fee for garbage would be gone. In their parks out west, they own the cable, so it saves residents \$75-80 a month. Here, they are hoping to get cable for approximately \$30 per month. The lot rent would be up to \$350. Additionally, MI has a property tax credit if you live in a mobile home park, so you would get that tax credit every month. They are estimating that the starting cost would be approximately \$1200 per month for a home payment (which is the cost for many apartments in this area).
- iii. In response to the lawn and driveway maintenance, Ben Manthei noted that this is still being determined. Jim Manthei noted that they will probably mow alongside the road.
- c. Radatovich commended the Mantheis for a well thought out plan and for their work in supporting the housing crisis. She asked how the Mantheis were planning to keep these homes affordable. Additionally, she asked if there were protections in place to ensure that this would not become an RV park, as the Manthei's other developments are RV parks. Radatovich asked if there is a designated amount of these homes that would go to Manthei employees. She questioned what percentage of these homes would be short-term vacation rentals and if these homes would be income driven.
 - i. Jim Manthei noted that a mobile home will not appreciate as much as a traditional home. If these homes are maintained properly, they should be able to keep them affordable.
 - ii. Ben Manthei noted that as companies are looking to bring in employees, they may market a portion of these homes to employers (to help their employees get established in the area).
 - iii. Jim Manthei explained that their plan is to grade the entire project out and put in the underground, all in phase one (that will be 70 lots). To keep the cost down while they are building out the lots, they are planning to put RVs on the lots in the summer time (while they build the other lots). If they can't do that, they may go with some other type of development. They have to look at a feasible way to hold the property, which is why they are planning to fill vacant lots with RVs in the summertime for 3-4 months.
 - iv. Ben Manthei noted that there would be no short-term rentals. These would be year round homes and they would not be income driven.
- d. Brown asked if there was anything in zoning that would prohibit RVs. He commented that the Mantheis have a lot of vision to make this development. He asked if there was a process for maintaining the lake; how does the lake control structure work? Brown asked if they were planning to stock the pond with fish, and asked if their timetable is set in stone. Would the development allow for additions if someone wants to add onto their house (if setbacks were met)? Additionally, would the common areas be open to the public? How would you control that only the development residents could use garbage, recycling, etc? Brown asked if the storage units were for residents only or if they could be rented by public? He asked if walking trails would be maintained in the winter and if there would be signage for crosswalks.
 - i. Doernenburg noted that if it is not permitted, it is prohibited by the ordinance. RVs are only allowed to be used on one's own property, for the maximum of 60 days in a calendar year. In a lease situation, this would become a campground.
 - ii. Ben Manthei noted that they have a process for maintaining the level of the lake. When you adjust the lever on the control structure, the excess water will go over. The pond is spring fed and they have never had problems with enough water. The full pond is up to 12ft. The timeline is flexible, and they may do some grading at the start of phase 2 if needed. They will build this in phases and are hoping this will be complete in 5-6 years.
 - iii. Jim Manthei noted that he thinks there would be additions allowed, if setbacks were met.
 - iv. Ben Manthei noted that the amenities are for residents only, and it would be a management decision as to how they would control that. Jim Manthei noted that they may have to put a gate in. The storage units would be available for anyone. Jim Manthei noted that they may not build all of the storage units, they may leave some area open for outdoor storage of boats.
 - i. Radatovich asked if outdoor storage would be approved separately. Doernenburg confirmed yes.
 - v. Ben Manthei noted that the walking trails will be grass and will not be plowed in the winter. They will want to have full signage and speed bumps. Doernenburg will see and approve the signage.
- e. Radatovich asked if there is snow storage proposed. Ben Manthei explained that there is an 8ft shoulder that they can plow into. Jim Manthei shared that they will put excess snow in the beach playground area.
- f. Brown asked if residents have any say, as there is no homeowners association. He asked if there are protections in place for residents if the Mantheis sell in the future.
 - i. Ben Manthei explained that there will be a group that will work out issues with management. There are rent increases established by the state (so it can only go up so much a year) to protect residents. Jim Manthei noted that it is tied to the cost of living.
- g. Jeff Cyphert asked which income level this development would appeal to.
 - i. Ben Manthei noted that this is a hybrid, with three levels of development. There are lots of young families in this area and apartments range from \$600-1300 per month. There will be smaller units that will be the cost of a higher end apartment (the entire home payment would be slightly more than that). As people move into here, it would free up the apartments. The homes around the lake would be for a different market, because they would be larger homes with more amenities. He is guessing more elderly people will live around the lake.

- ii. Jim Manthei noted that the starting price for mobile homes like this is around \$200,000. The goal is to be in that range. There is a factory in Indiana which makes 45 floors per day, but they cannot get material to build. There is a backorder for homes right now, so you typically get them a year after you order one. You put down 10% and you will know the cost at the end.
- h. Jim Kargol noted that we will only need to consider the snow in the parking lots. Additionally, he feels that we have a housing problem across the board. This will not be in the price range of workforce housing, but it will at least be housing. Pricing is a hard thing to control. The market will determine price.
 - i. Ben Manthei noted that “workforce housing” is anyone who works, which is a wide band. He is hoping that Pine Pond West and North can cover the lower end income workers. He knows that someone just out of high school won’t be able to afford this, but people who buy these homes will free up others. This will at least solve some problems.
 - ii. Mays noted that manufactured homes will not escalate the same way stick built homes will.
 - iii. Jim Manthei noted that the roofs are a 5x12 pitch. If you scale back to a 3x12 pitch, it saves approximately \$5,000. Detached garages are also less expensive. There are many small ways to save that can add up.
- i. Mays asked if someone can pick out their home, or if they will be buying them from the Mantheis.
 - i. Ben Manthei noted that they will pick an area to build out first. People can buy from what is there or can order for the next section and at that point, could pick out features, such as how many bedrooms, etc. They can choose options for their home, but they will be buying the home directly from the Mantheis.
- j. Brown noted that manufactured homes are hard to finance. He asked if the Mantheis were going to do their own financing.
 - i. Ben Manthei noted that they are unsure at this time. Jim Manthei explained that you can get manufactured homes that are insulated well and good quality.
- k. Radatovich asked when the first set of homes would be available- what is the timeframe? When would they have to order the homes to have them available in time?
 - i. Jim Manthei noted that they will probably order homes this October, to have them ready for next October. They will likely finish out a few to sell, and then build out from there. Potentially 2023 could be the first homes.

Audience Comments:

- a. Scott Smith from the Little Traverse Bay Housing Partnership noted that the partnership has been following this project and are strongly in support. This is an ideal use of a PUD-RO. The Mantheis have several areas that they are asking the partnership for assistance. The partnership is looking forward to having a full-time director to help with projects such as this. They are targeting workforce housing. Smith noted that the applicant is sincere in addressing housing needs and has placed an emphasis on community. He is in full support of the application and noted that the partnership will continue to support this project.
- b. Kirk Rose asked about the setbacks. Doernenburg clarified that a typical PUD setback is 50ft.
- c. Keiser remarked that when this started, the focus was on low-income housing. Now, we need every level of housing. The market will dictate what level this development turns out to be. Additionally, Keiser noted that the fire dept will need a cul-de-sac or something similar until phase two is complete for the sake of the road. The township is committed to working with the developer to make this happen, and Keiser fully supports this project and the housing need.
- d. Brian Bates, county planning commissioner, spoke as a business owner. He noted that this is very supportive and although there are many things we cannot control, this is a good faith effort. He explained that workforce housing is different than affordable housing, and all levels of workforce need housing at this time. The cost of material is not a solvable problem for the Mantheis. However, they are doing their best to present the most cost-effective option at this time. The material cost is high, regardless of what type of home you are building. There are no builders in this area that can build at this price point, so this is an opportunity to outsource the building of these homes. There are many problems we cannot solve, but this is a step in the right direction to help us move forward. This is one of the best uses for this piece of land.
- e. Tom Urman noted that he believes in the Mantheis and feels they are putting in a lot of effort as this moves forward.

Board Discussion and Questions:

Mays noted that this is a great plan to reclaim a gravel pit.

Radatovich remarked that the more housing you bring in, as the supply goes up, that will help make things affordable as well.

Brown noted that this would help 128 families get into homes. The market is wild now, but will settle eventually, and the same is true for the cost of materials.

Motion by Cyphert to approve PPUDF21-07, a request by Ben Manthei for Manthei Development Corporation for a Final Planned Unit Development Residential Overlay (PUD-RO) on property located on the north side of Pickerel Lake Rd within Sections 25 & 26 of Bear Creek Township. The properties are zoned FF-1 Farm and Forest and include tax parcels 01-16-25-300-001, 300-002 & 01-16-26-400-007. The proposal is to allow 128 individual home sites, on-site storage units, community center, open space areas, and other amenities as proposed and based on the plan dated July 19, 2021 and application packet received July 8, 2021 and the facts presented in this case, the applicant has met the standards of Article 16 for a Final PUD- Residential Overlay and the setback standards will apply as shown on the Final PUD plan, and on condition that proof of formal water and sewer plans be submitted to the Planning and Zoning Office prior to zoning permit issuance, and the non-residential buildings (community building and storage buildings) will be subject to Site Plan Review prior construction of those structures, and that there would not be any use of recreational vehicles (RVs) for residential use, that there would be a cul-de-sac for emergency vehicles during phase one construction, that MDOT be consulted as to how this would impact highway traffic, and that a signage packet be provided to staff. 2nd by Mays.

- 1. Roll Call: Brown, Mays, Kargol, Radatovich, Cyphert
 - a. Yes: Brown, Mays, Kargol, Radatovich, Cyphert

- b. Absent: Haven, Olliffe

VII. Public Comments: None

VIII. Other Business:

a. Housing Ready Checklist- Housing Development Discussion

Doernenburg noted that the county put together a fillable form which asks people to indicate how important they feel a housing issue is (based on the feedback they have already received). She has requested a zoning map so that we can consider spots for potential rezoning. However, she noted that rezoning a property will cause the price to increase. She suggested we put together a list of properties that are ready to be rezoned and provide that list to realtors. Doernenburg noted that the county will be reviewing the standards for dorm style housing (for seasonal employees). They have put together a draft text for discussion. Doernenburg noted that there is a desire for the Emmet County Planning Commission and the Land Bank Authority/Brownfield Development Authority to work together. Networks Northwest has defined workforce housing and has given us a target market analysis. Additionally, there will be accessory dwelling unit draft texts to consider in the future. Lastly, Doernenburg noted that there is currently a regulation that requires owner occupation for duplexes. There is some question of removing that regulation. Keiser thinks that is a good idea, as it is the little things like this that will add up and help with this housing crisis.

b. Draft Solar Text Amendment

Doernenburg noted that there is indication that we will be getting solar requests in the future. For existing buildings, an additional zoning permit would not be required for solar. This text amendment is very preliminary now, but the county is looking for input from local municipalities. If the townships find it acceptable, then they will pursue it further.

c. Access Management- Zoning- Discussion

Doernenburg explained that we may want to look more closely at the access management plan in the future and find a way to incorporate it directly into the zoning ordinance. The Planning Commission is supportive of the idea.

d. Announcements

Doernenburg noted that Emmet County will be having a housing presentation on August 26th. She gave an enforcement report. Keiser noted that we have been in discussion with some other developers as well.

IX. Next Meeting: August 25, 2021 at 6:30pm

X. Adjournment: 8:48p.m.

Respectfully Submitted,

Emma Radatovich

Emma Radatovich, Bear Creek Township Clerk

Jim Kargol, Recording Secretary