

## Bear Creek Township Planning Commission Meeting September 29, 2021

**I. Called to order:** 6:34 p.m.

**II. Roll Call:** Brown, Cyphert, Kargol, Olliffe, Radatovich, Haven

- a. Others in Attendance: Tammy Doernenburg, Bill Moser, Lisa Skop, Sarah Koetje, Carmen Skop, Adam Alan Skop, Rob A Skop, Matt Koontz, Nancy Koontz, Charles MacInnis, Ben Manthei, Jim Manthei, Steve Shuman, Rob MacKenzie, Scott Smith, Hillary Taylor, Terry Cook, Roxanne Cook, Donna Rinock, Sara Casto-Molto, Delma Casto, Sally Oelke-Lydy, Dylan Borland, Abby Badgley, Tom Urman, Ken Donakowski, Brian Bates, Kirk Rose, Toni M Drier

- b. Absent: Mays

**III. Pledge of Allegiance**

**IV. Approval of Minutes**

- a. **Motion** by Cyphert to approve the minutes of the August 25th, 2021 meeting. 2<sup>nd</sup> by Haven.

**Passed**

**V. Case PPUDP21-06 Manthei Development Corp, PRELIMINARY PLANNED UNIT DEVELOPMENT- RESIDENTIAL OVERLAY- AMENDMENT, Pickerel Lake Rd**

Tammy Doernenburg gave a background to this case:

Doernenburg explained that the preliminary site plan for this case was approved by the Planning Commission, but the final has not yet been approved. After our meeting in July, the applicant postponed at the county meeting in order to come back in for an amendment to the preliminary PUD (which was approved by Bear Creek). In June 2020, this was approved for multi and single family and this parcel is zoned FF-1. The parcel is currently accessed off Pickerel Lake Rd and there is a connector to Fotchman Industrial Park. The additional uses for this site within the PUD-RO will have to be complimentary or accessory to the development. This plan was never formally acted upon by the Emmet County Planning Commission. The new amendment to the plan shows three phases. The first phase would be single family dwellings. The second phase would be RVs that would be converted to homes sites within five years. The third phase would be RVs that would be converted to homes sites within ten years. The entire parcel would be excavated and developed at the same time up front. Then the homes would be built over ten years. The camp sites would be double the density but would reduce down in half when they were converted to home sites. The amendment to the proposal is to allow for the RVs. Each site has its own setbacks based on configuration, and the RVs would be regulated by two different state agencies if this was approved. The underlying setbacks would typically be a 20ft setback from the sides, 40ft from the roadway, and 35ft from the rear property line. FF-1 also requires 150ft of lot width, however, these lots are significantly less than that. The density and lot width has been recommended for approval. Doernenburg shared photographs of the existing conditions as well as the draft PUD-RO that takes into consideration the applicant's requests. Additionally, she noted that the township requested that MDOT review the proposal. MDOT found that there would be no significant change. There is already a turn lane into Fotchman Industrial Park, as well as tapers that go into the industrial park. MDOT did not feel there would be any changes for this additional use. However, MDOT has been requested (by one of the property owners within the industrial park) to consider a traffic light so that is under investigation. A campground is a special land use within the FF-1 zoning district. This was advertised and all neighbors were notified. Surrounding uses include medium density residential and industrial to the east south and west, and high density residential to the north. A letter of opposition was received and distributed from Ken Donakowski, the neighboring property owner immediately to the west. A letter of support was received from Haggard's Plumbing and Heating. Doernenburg shared the comments of Judy Mays, a commissioner who was unable to be present. Mays does not feel the campground and RVs is the correct use but supports the housing portion of this project. Additionally, Doernenburg shared some questions from staff going forward: Would tents be allowed on site? Would campfires be permitted? Would the campground be used year-round? What is in place to ensure that the campground will be turned into housing? Can the bus stop be added back in? Is this plan adequate for a final PUD?

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

Ben Manthei noted that at the last Planning Commission review of this project, the plan was approved unanimously with restrictions, which encouraged them to look deeper into this project. The target market for this site is for a clean, neat, well managed place where home values appreciate. At the same time, it is vital that this project be sensitive to pricing, which is something Manthei is aware of as a local employer. It is most efficient for this property to grade and build the entire development at once. The dirt can be moved within the property and the pond can be drained for the utilities to be put in all at once. It will keep the cost down if the initial development is done at once. Essentially, it would be easier to build to a higher priced market, but Manthei feels that is not the need of the community. They would be building 128 sites at once but could only fill 20 per year. In this economy, they could easily sell 40 per year. To minimize the cost of this project, the Mantheis are looking for alternative income streams. This would keep the price lower for consumers, which is why they reapplied to have RVs. Initially, half will be built into homes and half will be RV lots. The income from the RVs will help keep the cost down while they fill out the development. The intent is to build homes. Half of the RV lots would be converted to homes within 5 years and the other half within 10 years. To solve the housing crisis, we are going to need to work together to come up with creative solutions.

- a. Cyphert asked about the bus stop. Additionally, he feels that people will be reluctant to buy homes directly in a campground, with campfires, RVs and tents.
- i. Manthei noted that the bus stop was an oversight and will be put back in place. In their bylaws, the intention will be for no tents. In California, they have other RV parks, and they mix RVs with homes. If managed properly, these people will mingle and there should not be a problem.
- b. Brown asked about the time frame of the project, and asked that if there was a downturn in the economy and the housing didn't take off, would the Mantheis return in 5-10 years to ask to continue the campground? He wants to ensure that the

campground would end in 10 years. Additionally, Brown noted that he would like to see RV traffic to the highway, not on Pickerel Lake Rd. Is there a way with the GPS to direct people that way? In a campground scenario, how would you prevent people from gathering firewood off neighboring properties? At a minimum, Brown suggested no trespassing signs. He also asked about campfire regulations and hours. Additionally, if there were to be a substantial number of trees cut down, would there be brush fires going or could we ask for no burning? Lastly, he asked at what point the community center, storage units, maintenance garage, etc. would be built.

- i. Manthei explained that their intent is to build home sites and not an RV park. This is a creative way to keep the cost down. If homes do not sell, then that will have to be addressed. He noted that if the firewood becomes an issue, they will address it. Campfire hours will be addressed in the bylaws, and the rules and regulations for the sites. Manthei noted that the clubhouse would be built right away, but the mini storage would be phased out.
- ii. Doernenburg noted that the township does have a burn ordinance which prohibits burning on commercial properties.
- c. Olliffe asked what the time limit would be on the RV stay and wants to limit camping. Doernenburg clarified that the ordinance would limit the RVs to 6 months. Cyphert asked if the camping would be seasonal. Manthei gave confirmation that it would.
- d. Radatovich asked about the existing structures on the site. Additionally, if the RV income stream was so important to the feasibility of this project, why was it not included on the original site plan?
  - i. Manthei noted that they are building out the KOA, and the KOA ordered those units but are not ready for them yet. They asked the Mantheis to temporarily store them on their property until they are ready for them. Those units will not be part of this development and will be going to the KOA. Manthei noted that the RVs were not on the original site plan as an oversight, because they were basing their understanding off of the CA laws, not the MI laws. The RVs are not a make or break for this project, but if the RVs are not approved, the cost will go up. Bigger homes could be designed, but it would not help the need of this community. Manthei discussed the workforce issue and how it is connected to housing.
- e. Kargol asked about the time frame of the project. He asked if residents would buy or lease sites.
  - i. Manthei explained that most of the grading will happen next summer. Likely, the models would go in next fall and the bulk of the homes would come for sale in early 2023 (for phase one). He shared that this would be a hybrid development between apartments and home ownership. Tenants would own their home and lease the land between \$400- mid-700 per lot.
  - ii. Kargol feels it is not affordable housing if the most reasonable home would start at \$200,000 plus the owner would be paying \$400-700 to lease the lot, in addition to utilities. He feels the market will dictate who gets these units and the price.
  - iii. Manthei shared that workforce housing is for everyone. As people move out of apartments and into these units, it will free up apartments for lower income workers. On a ten-point scale, Manthei feels the affordability for this project is approximately levels 3-6.

#### Audience Comments:

- a. Ken Donakowski is a neighbor on the west side of the property. He noted that he and his neighbors did not receive notification for this case other than this meeting. He feels that the need for housing is great but does not feel that this type of housing should go in this area. This is a country setting, not a place for a subdivision. Additionally, he is fearful that the camping will never end, just like the quarry crushing. Lastly, he is concerned about traffic on Pickerel Lake Rd.
- b. Roxanne Cook is a neighbor across the road from the site and noted that she was not informed that this was going on. She has concerns about the noise impact and the camping.
- c. Terry Cook is a neighbor who is very concerned about the traffic. People already travel over the speed limit on that road, and to have an entrance to Pickerel Lake Rd would be dangerous. Additionally, he is concerned about the density and each unit only having 1/10 acre. He feels this is not the right place for a development like that. He made comment about the depth of the pond and noted that he is completely opposed to this project.
- d. Scott Smith represented the Little Traverse Bay Housing Partnership and noted that housing needs to be built somewhere. The Mantheis have done an excellent job working through the concerns and attempting to shield the development from the road and neighbors. These homes would be nicely spaced and designed. The lots will be landscaped, and it will be an attractive place to live. The new proposal to make income is a good, creative plan to achieve the housing goal. On behalf of the partnership, he expressed support for the project and offered any help to make this project a reality.

#### Applicant Rebuttal:

Manthei thanked the audience for their comments and noted that the overlay allows for 7 units per acre. This plan is for 3.5 units per acre with lots of open space and walking trails. Additionally, it is a good idea to look at it in terms of what it is today and the possibility of redeveloping it.

#### Additional Board Discussion and Questions:

- a. Cyphert noted that he was originally very excited about this plan, as we desperately need affordable housing for all wage earners. However, he is disappointed in the idea of RVs. He understands the scale of the project and the need to develop it all at once. If there is a motion on the table, Cyphert wants to ensure that this RV section will be removed after the time frame. He does not want the RVs to be permanent.
- b. Haven noted that although 5-10 years is defined in the PUD Agreement, we need to truly define it for enforcement purposes. We would need a defined date as to when the RVs would be done. His main concern is the Pickerel Lake Rd access. When this is built out to maximum density, he feels the Pickerel Lake Rd access would be dangerous and is not in favor of it. He

feels the higher density is allowable, as it would mean more greenspace. Additionally, he noted that the RVs are more about profitability. Haven agrees that the \$200,000 home (on the low end) plus \$400-700 for the lot, plus utilities, does not seem affordable. Many people cannot even afford their rent payments as it is now. He feels that the market will decide if this succeeds or not, but we need housing regardless, so we should not make our decision based on the affordability factor alone.

- c. Radatovich asked if this new motion would negate the decision from two months ago, or if these motions would work in tandem? Two months ago, the Planning Commission unanimously approved the housing development, but specified no RVs. The only change between that plan and this one is the addition of the RVs. Additionally, although we have discussed “intent”, peoples’ intentions can change over time. Ten years is a long time. Plans change, and the history of cases can be forgotten. If they were to come back in ten years with a successful campground and ask for an extension, it would be difficult to say no. It is hard to stop people from bringing RVs once the ball is rolling. She asked if the PUD Agreements are reviewed. How would we know that the ten years was up? And how would enforcement take place? It would be difficult to shut down a campground. Additionally, would the ten years start when this plan was approved or when the first homes are sold? She noted that although it is said that things would be in the bylaws, it is important for us to include these items in a motion, as we have no say over bylaws. Lastly, in regard to the affordability issue, we need housing at all costs. Radatovich is in favor of the housing portion, but not the RVs.
- d. Olliffe asked if the Mantheis would consider five years for the RVs and not ten.
  - i. Manthei feels 5-10 years is a good compromise and would like to leave it at that. He feels that the Pickerel Lake Rd outlet is important because the more outlets you have, the more traffic is dispersed among them. Cyphert noted that for public safety, it also is important to have multiple outlets.
- e. Haven is worried about the traffic issue when this is built out, ten years from now.
  - i. Doernenburg noted that the fire department, Emmet County Road Commission, and MDOT all approved this access.
  - ii. Manthei noted that the Pickerel Rd access has adequate sight distance, at 3-4 times what the minimum requirement is for the state.
  - iii. Ken Donankowski noted that it is already difficult to pull out onto that road now, let alone with an additional 240 cars from this development.
- f. Doernenburg remarked that she has an affidavit of mailing for the notifications for the first case sent in July. There was one individual from the neighborhood that attended the meeting, so the notification letters were received. She noted that this will go on to the Emmet County Planning Commission meeting next Thursday. Additionally, in regard to the Pickerel Lake Rd/US 31 intersection, the township, road commission, and county zoning have all been working together to explore options for that intersection.
- g. Kargol remarked that he is not opposed to this development, and we do have a housing shortage across the board. He noted that the original concept was for \$100,000 tiny homes. As it is, this project would be higher cost homes.
- h. Radatovich supports the housing portion of this project but cannot support the RVs. If the market dictates the cost of the homes, it will not matter if there are RVs or not.
  - i. Manthei noted that although they are in the business to make a profit, they are also an employer in the area, and want to be sensitive to the needs of the community. The RVs would help lower the cost of the homes.

**Motion** by Haven to deny PPUDP21-06, Manthei Development Corp for a Preliminary Planned Unit Development Residential Overlay on approximately 49 acres located on the north side of Pickerel Lake Road, Sections 25 & 26, Bear Creek Township, tax parcels 24-01-16-25-300-001, 300-002 & 01-16-26-400-007, as generally shown on the Proposed PUD – Preliminary Development Plan and supporting materials dated Received Sep 9, 2021 for the following reasons: based on the fact that the RVs are added to this plan. The stipulation of this motion is as follows: Although this motion denies the revision to the plan (the addition of RVs), dated Sep 9, 2021, this motion does not rescind the recommendation made by the Planning Commission on July 28, 2021. Rather, it affirms the decision by the Planning Commission to recommend the plan dated July 19, 2021 and the packet dated July 8, 2021. The Planning Commission acknowledges that this recommendation will go on to the township board and ultimately the Emmet County Planning Commission for a final decision. 2<sup>nd</sup> by Radatovich.

- 1. Roll Call: Kargol, Haven, Olliffe, Radatovich, Cyphert, Brown
  - a. Yes: Kargol, Haven, Olliffe, Radatovich, Cyphert, Brown
  - b. Absent: Mays

**Passed**

*The commission took a brief recess and resumed session at 8:12pm.*

## **VI. Case PPUDP21-05 Dylan Borland, PRELIMINARY PLANNED UNIT DEVELOPMENT- RESIDENTIAL OVERLAY, 1515 Atkins Rd**

Tammy Doernenburg gave a background to this case:

Doernenburg shared that this is a planned unit development in a preliminary stage. It is located at 1515 Atkins Rd in Bear Creek Township and is surrounded by property owned by Petoskey Public Schools. There is a single-family dwellings across Atkins Rd. There are existing structures on the property, namely a house and barn, and outbuildings, and the rest is farm field. The concept plan is preliminary, and the requirement is to show what you plan to do. If the Planning Commission approves the use, then you move on to design and the details of the plan. If this were to be approved, the applicant can move forward to design the details of the site. The proposal currently is for four buildings to be used for multi-family housing. This parcel is 9.94 acres in size and is currently zoned R-1. The PUD-RO is a proposal to allow multi-family housing with a maximum of 180 units. That would be 18.1 units per acre. This would also allow non-residential uses including: a club house with office, fitness center, retail and food establishments in a building not to exceed 2,000sq ft, and to allow parking at the rate of 1.5 spaces per unit. This is a preliminary PUD-RO, so township approval is necessary for it to move onto the Emmet County Planning Commission. Doernenburg shared a sample design, and this would be a

two-story building, which meets the Emmet County Zoning height standards, which is 30ft. Doernenburg shared a picture of the walkway along McDougal Rd as well as other images of the site conditions. Surrounding residential uses include medium density residential zoned R-1, which allows for 2 units per acre, to the west. Further to the west is R-2, and south/east is zoned R-1. There is a narrow strip to the east owned by Petoskey Public Schools. The Emmet County Road Commission has jurisdiction over accesses to the site and has approved the access off Atkins Rd for sight distance. They have indicated that McDougal Rd access will not meet sight distance. Any access to McDougal would also require an easement from the school. The perimeter setback of 50ft is proposed to be maintained. The Bear Creek Township Future Land Use Map and Emmet County Future Land Use Map both show this property as high-density residential. A straight rezoning to R-2 would allow up to 10 units per acre, because there is city water and sewer nearby. The intent would be that city sewer and water would serve this site. The proposal is a preliminary PUD-RO to allow for up to 18.1 units per acre and multi-family style and some additional accessory uses that would be complementary to the business. The fire department has reviewed and has no problems with this request. Doernenburg shared the comments of Judy Mays, a commissioner who was unable to be present at the meeting. Mays asked if this land has already been purchased and asked about the style of the buildings. She feels this is a good plan but is slightly concerned with the cost of the units.

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

Dylan Borland explained that he has been in real estate since he was 17; it is their family business. At one point, their business was the largest owners of single-family homes in the state of Michigan. Since then, their specialty has become multi-family housing. Currently, they have over 6,000 units across the country. They specialize in private equity and want to use this resource to benefit the community. He explained that scale plays a large part in making something affordable. Typically, you need 10 acres and at least 100 units. He explained that the rent estimates he gave were the projected cost of the rent two years from now, when the apartments would be available. These rents take into account inflation and the 24-month period. He feels it is very important to be mindful of the community, and is here to stay, as he and his family have recently moved into the area. Borland explained that in order to get incomes up in the area, we need to create a competitive environment in the community. There are lots of people who would like to move up here because they now work remotely, however, they cannot do so because they cannot find housing. He would like to create a community that will attract opportunities and jobs. Borland noticed that there is a large need for trades and laborers in this area, which has contributed to the housing crisis. He would like to work together with the community college and school system to encourage trade programs. Part of this development would be subsidized housing (by the developer) for people in the trades. Borland shared that in the last 11 months, the cost of building his home in the area has increased from \$220/sq. ft. to \$450/sq. ft. He also noted that as a developer, the key is to get a large piece of land that also has infrastructure available.

- a. Cyphert asked who the equity fund is for this company. Borland explained that it is his own firm: Borland Capital Partners.
- b. Radatovich asked if they would be two story apartments. She asked if Borland has reached out to employers in the area to see if they would be interested in partnering.
  - i. Borland confirmed that these would be two story, garden style apartments, similar to the Bear Creek Meadows apartments. It would take about 24 months to achieve 90% occupancy. Plus 10 units would be set aside for the trades and 20 units for affordable housing. For a 2 bed, 2 bath apartment, it would be approximately \$1200 per month. Borland is intending to reach out to schools and have a multi-prong approach. He also noted that they would like to be able to give people grants to start local businesses from his family's foundation.
- c. Brown would like to see Borland pursue an easement with the school for an additional access onto McDougal. He asked about subsidies and if they were planning to ask for a government tax abatement.
  - i. Borland noted that they are not pursuing any subsidies at this point, but it would help dramatically if there were a tax incentive or a sewer hookup available. However, it is not essential to this project. He wants to work together with all parties to make this project happen.
  - ii. Doernenburg noted that the exact location of the access to McDougal is not identified, but the road commission feels there is not adequate sight distance.

Audience Comments:

- a. Sarah Koetje explained that she just purchased a home on Atkins but has lived in the area for 17 years. She feels that the stretch of land on Atkins is beautiful and that it would be an eyesore to have it developed. She loves the concept, but feels it needs to be in a different location. She also expressed concerns with traffic.
- b. Sara Casto-Molto expressed concerns with traffic and light pollution. She does not agree with a tax break for this development and feels this would make the neighboring property values go down.
- c. Matt Koontz shared that he owns the home across the street from this location and is in favor of this project. We have a terrible housing crisis in this community and these developments will benefit everyone. This is an excellent location for a development such as this- it has access to the schools, downtown, city infrastructure, etc. He has found that when you live close to town, eventually you will live in town as the city grows! If our community is to prosper in the future, we will have to adjust to higher density. He would rather see this development go here than in the countryside. He is supportive of this project as a neighbor.
- d. Abby Badgely lives across the street and asked if this property has already been purchased.
- e. Sally Oelke-Lydy agrees that we need reasonable housing in this area. It is a great part of town but is already very busy traffic wise and that is a concern. She wants to make sure this will be well thought out and will function well for this area. She feels the key issues are traffic control, access, screening, layout, and community support.
- f. Brian Bates feels this case illustrates the crux of the challenge. On the Master Plan, this location is the perfect space. The infrastructure, schools, and zoning all make this possible. However, no one wants to say goodbye to a beautiful farm. The reality is, that farm has not made money in years. The agricultural land we all love does not make any money. If we weren't to

put a housing development here, where would we put it? And where would we want the open land? Development is similar to a one-way train: as a city grows, it grows outward. This would not be a high-rise development, but a two story, which wouldn't be as bad. If this was a quarry or something else being redeveloped, we would love the opportunity. However, it is a farm, which makes this challenging. This does check all the development ready boxes, and the price point for the land is reasonable. This is also a walkable area. However, it is not priced to stay as farmland. It is priced for a development. There are land uses that can coexist. We must consider the options before deciding about what is the best use for the community.

#### Applicant Rebuttal:

Borland is thankful for all the feedback and noted that their concerns are some of the reasons they moved to the area. He loves the fact that there is no noise or light pollution in this area, and he doesn't want to contribute to a pollution problem. He noted that the image of the four-story building was just for the color scheme. This would be a two-story development. He wants to build something that fits within the community. Borland has not closed on this property yet but is looking for preliminary approval to make sure that this project makes sense. Then if it passes preliminary, they will start on design. He has considered leaving the existing buildings as a clubhouse to help fit the community. This is just a concept, but it illustrates the point that he does not want this to be an eyesore for the community. In regard to the retail component of this, he is considering a fitness center in the clubhouse that would be open to the community. Additionally, the small retail would be for an artesian farmers market. The retail portion of this project doesn't produce income, but it is for the sake of developing community, and bringing life and vibrance into the area. Additionally, they are planning to have outdoor firepits and common areas. He would like to tie into the nearby walking trails as well.

#### Additional Board Discussion and Questions:

- a. Haven noted that it is nice to hear different points of view. He wanted to emphasize the fact that this is not an active farm that is making money on its own. We spent so much time as a commission on the Master Plan and discussing where we wanted developments to go. This property will be developed, and if it is not by this developer, it will be by someone else. This is an opportunity for us to craft what we want to see there.
- b. Brown agreed that we discussed this area for a long time when we went through the Master Plan: between high-density residential and industrial. We agreed to high-density residential.
- c. Radatovich agreed that cities grow out. There is no where else for Petoskey to grow as a community besides outwards. If we want our community to continue to grow, we have to be comfortable with a bit higher density. This developer is giving us an amazing opportunity to work with him to develop something that is our vision for this community. This parcel is going to be developed, and she would rather it be developed into housing rather than commercial or industrial.
- d. Brown suggested that the developer meet with staff as he is crafting the site plan.

**Motion** by Cyphert to approve PPUDP21-05, a request by Dylan Borland for a Preliminary Planned Unit Development Residential Overlay on property located at 1515 Atkins Road within Section 5 of Bear Creek Township. The property is zoned R-1 One and Two Family Residential and is tax parcel 01-19-05-400-002. The preliminary approval is to allow a multiple family development with a maximum gross density of 18 units per acre and the non-residential uses of a clubhouse, wellness center, office, maintenance building and retail/food establishment not to exceed 2,000 sq. ft. Approval is based on the plans and application packet received Sep 9 2021 and the facts presented in this case, the Master Plans for Bear Creek Township and Emmet County support the development, and the applicant has meet the standards of Article 16 for a Preliminary PUD Residential Overlay and approval authorizes the applicant to proceed to the Final PUD-RO development phase. 2<sup>nd</sup> by Radatovich.

1. Roll Call: Haven, Olliffe, Radatovich, Cyphert, Brown, Kargol
  - a. Yes: Haven, Olliffe, Radatovich, Cyphert, Brown, Kargol
  - b. Absent: Mays

**Passed**

*The commission took a brief recess.*

#### **VII. Case PSPR21-08 Skop Powder Coating Inc for Forever Forward Hands LLC, SITE PLAN REVIEW-AMENDMENT, 2469 N US 31 Hwy**

Tammy Doernenburg gave a background to this case:

Doernenburg shared that this parcel is zoned B-2 and is 0.86 acres in area. The property was approved for a Special Use Permit for vehicle repair in February 2012 and the change of use was administratively approved for powder coating in February 2019 with no site plan changes. It is adjacent to commercial uses on both sides and across the highway is zoned Industrial. Doernenburg shared aerial views of the property. The applicant came in with a site plan change to add four 8x20 storage containers and the dust collector. That site plan was conditionally approved in 2020. The proposal now is to add a structure onto the existing building. 7 parking spaces are proposed and there is a potential for some additional parking in the back, after discussion with the applicant. The existing building is 50x80ft and is a non-conforming building because it is 5ft from the property line. However, the additions do meet the setback standards. Wetland delineation was done on the property, so the wetland has been identified on the site plan and site. Per the ordinance, you can build up to the wetland, there is not a setback to that. Doernenburg noted that that is regulated by the State of Michigan wetland rules. In 1974, the Planning Commission approved a building that was 50x100ft, and the existing building was not constructed to that size; it is 50x85ft. To the rear of the existing building, there is a 54x40ft structure proposed. On the side of the proposed free-standing building, there would be two containers on the back and one on the front and a Quonset-hut type structure in the middle. The building area total is 12,062 sq. ft. A private well is used for the site and the site is served by sanitary sewer. Properties to the north are zoned R-2 and are owned by Little Traverse Conservancy. B-2 properties are on either side of the parcel and across the highway is zoned I-1. A dumpster is shown on the site plan, screened by fencing structures. The fire chief provided a letter of concern, which was provided to the applicant yesterday. Today, we received an updated review from the fire chief indicating that there are no hazardous materials on the site, and the applicant has agreed to reduce the last container to 8x20ft to allow better access. The outdoor lighting needs to be full cutoff, which was a condition of approval from the previous review. Any lighting on the new structures will

also have to be full cutoff. The snow storage area is identified on the plan. There are no changes proposed to the existing commercial driveway, which is at an acceptable location and is at commercial standards. There were 21 letters of support received. Doernenburg shared a proposed drawing of the Quonset-hut structure with shipping containers on either side. Fencing would be utilized to screen all of what is between the buildings from public view. The building itself would also act as a screen. In the original approval, screening was required to be 9ft high and the length of the containers. It was to be vegetative screening. Doernenburg shared a photo of the existing screening, which is a flag stretched across a fence. In the 21 letters of support, many of them discussed the conditions of the property and feel that the owners have improved the property itself. Some of the letters talked about the business atmosphere. Doernenburg listed off the letters of support. The proposal before the Planning Commission is the site plan review amendment and the applicant has also requested a waiver for the sealed drainage plan. The reason we are seeing the case tonight is because the conditions placed before were not met. Lastly, Doernenburg shared the comments of Judy Mays, commissioner who is not present at the meeting. Mays noted that when the applicant came before the board in 2019, they stated that the shipping containers would be temporary until they could build. She also feels that the flag is being misused to hide something and feels it should be flown instead. Brown clarified that there are no longer any outstanding issues with the fire dept.

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

Bill Moser from Apex Engineering explained that the Skops have been working to improve the site for the last several years. They originally had planned to build a pole barn, but due to the limitations of contractors, cannot find someone to build it for them. That is why they have chosen to pursue a Quonset-hut structure. All building additions will be the same color and materials as the current building.

- a. Brown asked about getting a pole barn and wanted to ensure that the storage containers would be painted the same color.
- b. Haven asked if the Quonset-hut would be temporary until they could have a pole barn built.
  - i. Adam Skop explained that he is planning to keep the Quonset-hut and considers the shipping containers permanent structures.
  - ii. Lisa Skop stated that it was her understanding that the shipping containers were considered permanent structures, and that their prior approval allows them to build within the footprint of where the shipping containers are now in the future if they would like. However, they are not at that point yet. But they would like to get all the product inside.
- c. Kargol noted that it would be difficult to expand on a Quonset-hut in the future.
  - i. Moser explained that they are not intending to expand the hut.
  - ii. Doernenburg remarked that site plans are good for two years, but when you start on the site plan, it is valid until it is complete. Moser noted that this necessitated the plan change because they needed to remove the pole barn from the plan.
- d. Brown asked about the proposed screening gate/fence. He also asked about the use of the flag as screening. Is it their intention to leave the flag?
  - i. Moser explained that they are unsure if it will be a sliding gate on wheels or opening gate. It could be green or black and you slide the product through a chain link fence. It will be 6ft tall. It will be closed throughout the day for screening purposes.
  - ii. Lisa Skop noted that on the last plan, trees were suggested for screening. She is patriotic and likes the use of the flag for display and screening purposes. She would like to leave it if possible.
    - i. Cyphert asked if she can use a flagpole? Skop noted that her flag is too big for a pole.
- e. Cyphert asked about waiving the drainage plan. There is a lot of hard surfaces being proposed.
  - i. Moser noted that they direct the water towards a shared drainage by Lombardys. The water will run off the roof on the proposed building into the wetlands.
  - ii. Doernenburg noted that a sealed drainage plan is required unless the Planning Commission waives it.
  - iii. Radatovich noted that it is a substantial amount of hard surfaces and feels a drainage plan is important.
  - iv. Brown suggested a detention pond. He asked about the maximum percentage of a lot being used for hard surfaces and buildings.
- f. Radatovich asked if the proposed storage containers are larger than the existing ones. She asked why the screening was not done properly the last time when this case was conditionally approved. Radatovich feels the flag should be on a pole and properly lighted, because that would be respectful to the flag. Additionally, she noted that if the applicant would like to use that rear portion for extra parking and outdoor storage, that will need to be delineated on the site plan. Lastly, Radatovich noted that she is concerned that we will continue to allow temporary fixes to this site, instead of making the proper, permanent changes.
  - i. Moser confirmed that the proposed containers are 8x40ft and the existing are 8x20ft.
  - ii. Lisa Skop explained that she utilized pots with flowers for screening but then moved them to cover the electrical box.
- g. Moser noted that they will be leaving a small portion as gravel, because some of the unloading requires a tracked vehicle.
- h. Cyphert asked how long the Skops have been in business. He asked how many employees they have.
  - i. Lisa Skop explained that they purchased the building in 2018 and opened their doors in January 2020. The sizes of jobs vary and they want to keep the property orderly. They also want to store things inside for the sake of keeping the clients' products safe. Additionally, she noted that a benefit of the Quonset-hut is that the Sky Trak fits there, where it does not fit in a pole barn. Moser noted that they have two full-time and one part-time employee.
- i. Brown asked if the requested storage will be enough for the next twenty years, or if this will just be enough for the next few years with the way their business has been growing. He asked how high the maximum is for the gate. The reason for the screening is consistency and making it pleasant to look at.

- i. Doernenburg noted that 7ft is practical, but in this situation, there really isn't a limit.
- ii. Lisa Skop asked if the gate negates the need for trees. Brown noted that we would have to see a conceptual drawing, but that is the general idea.
- iii. Haven noted that the Planning Commission approved another a gate similar to this.
- iv. Radatovich noted a concern with blight piling up behind a fence. The goal isn't to put up a fence to block blight, it is to eliminate the possibility of blight all together.
  - i. Haven is not concerned with blight, as they have a business to run. He feels the shipping containers are a good reuse and appreciates the consistent color scheme. He does not have an issue with it if they are permanent.
- j. Radatovich asked if there were any plans to move the dust collector to the back. Moser would like to keep it where it is.

#### Audience Comments and Applicant Rebuttal:

Tom Urman noted that when this case came before the Planning Commission in 2019, there were large concerns with the shipping containers. That is why we recommended large pots with 6x9ft trees to screen them.

- a. Adam Skop asked if they used a gate for screening, if it could be painted as a mural.
- b. Doernenburg noted that it would have to meet the standards to make sure that a sign wasn't being created out of the mural.

#### Additional Board Discussion and Questions:

Cyphert noted that new possibilities continue to arise, and he feels that the applicant needs to spend time with Doernenburg discussing alternatives.

- a. Rob Skop noted that although they agreed to the screening last time, there is no screening law. They are now proposing a flat, movable wall that can be used for screening. They can make it as high as the poles they have.
- b. Carmen Skop noted that the trees were never planted because of the pavement. They did not want to plant trees under the pavement and have roots coming up and destroying the equipment.
- c. Lisa Skop noted that if the Planning Commission is not comfortable approving the entire case, she asked if we would at least give permission for them to put up the Quonset-hut, before the weather comes.

Haven feels that the fence solves the screening issue and covers the containers. He would like to see this case move forward. It was suggested that the applicant work to bring the needed materials before the township board meeting next week. Brown noted that the Planning Commission will need to see more detail on the gate, additional screening details, outdoor storage/extra parking delineated on the plan, and a drainage plan. We cannot approve just the Quonset-hut portion of the plan.

**Motion** by Radatovich to approve Case #PSPR21-008, Skop Powder Coating Inc for Forever Forward Hands LLC for a Site Plan Review - Amendment at 2469 N US 31 Hwy, Section 25, Bear Creek Township, tax parcel 24-01-16-25-101-001 as shown on the site plan dated Received Sep 09 2021 based on the facts presented in this case, because the standards of Sections 11.02 and 19.00 have been met and subject to the following conditions: 1) there shall be no outdoor storage or display except as shown on the approved site plan- outdoor storage and additional parking may be delineated to the rear of the new proposed building, 2) vehicles, equipment, and parts shall only be stored inside the building or structures, 3) outdoor lighting shall be brought into compliance with the standards of the Zoning Ordinance by the end of the calendar year (2021), 4) dumpster to be screened as shown on the site plan and 5) sealed drainage plan is required as indicated in the Zoning Ordinance, to be reviewed by the township board (prior to the building additions). In addition, that conceptual drawings be presented to the township board for review for the screening and fence. The conditions are necessary so that the site plan complies with Articles 20 and 22. Lastly, upon completion of the Quonset-hut building, that all screening and fencing be installed within two months. 2<sup>nd</sup> by Olliffe.

1. Roll Call: Olliffe, Radatovich, Cyphert, Brown, Kargol, Haven
  - a. Yes: Olliffe, Radatovich, Cyphert, Brown, Kargol, Haven
  - b. Absent: Mays

**Passed**

#### **VIII. Case PPTXT21-03 Emmet County Planning Commission, TEXT AMENDMENT- SOLAR STANDARDS**

Tammy Doernenburg gave a background to this case:

Doernenburg noted that the Planning Commission has seen the draft solar standards, and we are now onto a public hearing. She shared some comments from former commissioner David Coveyou. The civil council has reviewed this document. Judy Mays, absent commissioner, requested no changes to this draft.

**Motion** by Radatovich to recommend approval of PPTXT 21-03, Emmet County Planning Commission, to add specific solar standards as proposed in Solar Standards Draft dated 8/23/2021 based on the facts presented in this case and the facts presented during the Planning Commission meetings, because the text is generally supported by the Emmet County Master Plan and will provide clarification for zoning standards related to solar installations. 2<sup>nd</sup> by Cyphert.

1. Roll Call: Radatovich, Cyphert, Brown, Kargol, Haven, Olliffe
  - a. Yes: Radatovich, Cyphert, Brown, Kargol, Haven, Olliffe
  - b. Absent: Mays

**Passed**

#### **IX. Public Comments:**

Doernenburg introduced Hilary Taylor, the new assistant planning director. Brown shared that he will not be present at next month's meeting. Olliffe announced that he will be stepping down as a planning commissioner at the end of the year.

#### **X. Other Business:**

Proposed Text Amendments- Preliminary Review: Cluster Housing, Duplex Units and Accessory Dwelling Units

Doernenburg noted that cluster housing would be smaller than typical housing, joined together in more of a dorm style. This would be setback further and would be something that could be reviewed administratively. It would have to take place on a parcel 20 acres or larger. In regard to the duplex units, there are two options: 1) to allow for non-owner occupied duplexes with the stipulation that both

residents be full-time or 2) that one side of the duplex could be a short term rental if the other half was owner-occupied. Lastly, the county is proposing to allow accessory dwelling units if a parcel meets standards.

- a. Radatovich noted that she would rather see duplexes have full-time residents, rather than short-term rentals. That would help solve the housing crisis more effectively.

**XI. Next Meeting:** October 27th, 2021 at 6:30pm

**XII. Adjournment:** 10:33p.m.

Respectfully Submitted,

*Emma Radatovich*

Emma Radatovich, Bear Creek Township Clerk

Jim Kargol, Recording Secretary