

Bear Creek Township Planning Commission Meeting October 27, 2021

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

II. Roll Call: Cyphert, Kargol, Olliffe, Radatovich, Haven, Mays

a. Absent: Brown

b. Others in Attendance: Tammy Doernenburg, Denny Keiser, PuniPua Vitolio, Tommy Symons, James Reeb, Janet Foltz, Gerald Johnston, Craig Richardson, Stan Atanasoff, Krist Atanasoff, Emily Jones, Trinity Thompson, Jay Citraro, Caesar Citraro, Jaidyn Ecker, Layla Senior, Doug Nowels, Christine Webster, Mat Webster, David Moffett, Tom Urman, Ethan Swiger, Roxane Cook

III. Pledge of Allegiance

IV. Approval of Minutes

a. **Motion** by Cyphert to approve the minutes of the September 29th, 2021 meeting. 2nd by Olliffe. **Passed**

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

This case was postponed by the applicant and was not discussed.

VI. Case PSUP21-018 Krist Oil Company Inc, SPECIAL USE PERMIT- gas station/retail store, 2196 E Mitchell Rd, Bear Creek Township

Tammy Doernenburg gave a background to this case:

Doernenburg explained that this is case PSUP21-018 Krist Oil Company, requesting a Special Use Permit for a gas station and retail store at 2196 E Mitchell Rd, which is the southwest corner of E Mitchell and Division Rd. This parcel is zoned B-1 and is 1.71 acres in size. The zoning to the north across Mitchell Rd is a gym, which is zoned B-2. That facility also contains a physical therapy and pediatric clinic. The zoning to the east across Division Rd, the north half is Plath Meats, zoned B-1 and the south half is zoned R-1 with a single-family dwelling. To the south of the property is zoned R-1 and there is a residence on the property. To the west, the property is zoned R-2 and R-1. Immediately adjacent to this property is Stone Funeral Home. Access to the site would be off Mitchell Rd and Division Rd. Doernenburg shared the existing conditions: there is a residence on the property that is not being used, and an accessory structure to the south that looks like a barn. The proposal would be to allow for a gas station with regular gas and diesel and a food market. There is proposed parking in addition to a large and small canopy. The proposed access on Mitchell Rd is right in/ right out only. There is a full access proposed on Division Rd. Those locations have been approved by the Emmet County Road Commission as meeting sight distance. The proposed buildings will meet the setbacks of 25ft from the front (or the street) and 10ft from the sides. This property has two front (road) and two side property lines. The proposed food market would be 60ft x 92ft. There are 22 parking spaces proposed around the building and property and one ADA space, which meets the building department requirements. A gas station is a special land use in the B-1 zoning district. The driveway and parking are proposed to be paved. No sealed drainage plan or cost estimate for drainage was provided. City water is proposed for this site and the site is proposed to be served by sanitary sewer. There are no details currently regarding that or approval from the city for that use. Snow management is shown on the site plan and no outdoor lighting is identified, but signage and lighting are typically something that comes after Planning Commission review and the zoning ordinance allows for administrative review on those items. Doernenburg shared an elevation sketch. She noted that tonight, the Planning Commission is only reviewing the special land use permit request. This is not for site plan review. If the Planning Commission approves the special use permit, then the applicant will return for site plan review with a site plan that meets the standards of the ordinance. For this step of the process, it is important to review the special land use standards. These are the items that need to be determined: Is the use non-detrimental to the surrounding uses in the district, particularly in regards to traffic generating potential, servicing by trucks, hours of operation and pedestrian traffic? A traffic study may be required by the Planning Commission. What is the impact of the proposed use on the quantity and quality of water resources, domestic water supplies and capacity? That has not been provided. Entrance drives to the use must be 25ft from the intersection. The Emmet County Road Commission has reviewed the accesses. The site is large enough for the project to accommodate the use, including sewage disposal and stormwater management. The use does not conflict with the objectives and goals of the Emmet County Master Plan. Suitability of access to the use means that residential streets cannot serve the use. This is not the case. These are county roads serving a business use. Allowance is made for vehicles to enter and exit the use safely with no visibility impediments to drivers. There is a residential use across Division Rd that will be impacted by cars and trucks exiting the property. The last two provisions in the special land use section are open space and common areas. These items are not applicable to this site. There will not be dedicated open spaces on this property. There was a suggestion to ask for or request pedestrian access along Mitchell/Division for future pedestrian accesses from the City of Petoskey into Bear Creek Township. Doernenburg shared photos of the site and surrounding area. There is a power pole and utility box on the corner of the site, near the intersection.

a. Haven noted that in the past, we have discussed the wetlands on this property. Will the state have to get involved with that? Additionally, will the access management plan apply for this site? Doernenburg noted that the wetland is identified and will have to be addressed during site plan review. The access management plan could come into discussion. However, for now, the Planning Commission should focus on the special land use provisions (and traffic is something that will come into play).

b. Olliffe asked how the site is zoned? The site is zoned B-1.

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

Craig Richardson is the project engineer. He explained that they had a professional come out and look at the wetlands on the site. They adjusted their site plan to make sure that they will not bother the wetlands. The applicant has done lots of work with Doernenburg and the road commission to add the turn lanes. That is a busy intersection, and the applicant is working with the utility company to relocate

the lines. However, they wanted to wait for special use permit approval before going any farther with the site plan. Emmet County Road Commission has approved the sight distance for the driveways.

- a. Mays asked about the hours of operation.
 - i. Stanley Atanasoff noted that it would most likely be 5am-11pm on weekdays, 5am-12am on weekends, and 5am-9pm on Sundays. Richardson clarified that the canopy lights would not be on all night. There is no perimeter lighting, and all the lighting will be downward directed/cutoff.
- b. Cyphert asked if Richardson has been the project manager for other Krist stations and if there has been a traffic study done. It seems that traffic numbers would help the developer know if they would be successful at a site. He asked what the percentage of revenue is from gas vs. the grocery store.
 - i. Richardson stated that he has been the project manager for other Krist stations. They do not have a traffic study, but the Emmet County Road Commission did feel that the turn lanes would help with traffic.
 - ii. Atanasoff noted that revenues are approximately 70% from gas and 30% from retail.
- c. Olliffe asked if there is anything in writing from the road commission about the approval of the accesses. Richardson confirmed there is an email.
- d. Cyphert asked about plans for water runoff, as there would be a lot of paved surfaces. Richardson noted that they will discharge to existing areas. There will be an underground retention system that discharges water at the correct rate and will slope to the wetlands.

Audience Comments:

- a. Janet Foltz lives across the street from the site and has questions about the driveway going to Division. She feels this is a very busy intersection and this traffic will back up drivers on Division. She asked about the lights and is concerned that they will shine into her house- both lights from the station and the cars. She is concerned that this use will impact her residence.
- b. Caesar Citraro noted that we need gas stations, however, that intersection is one of the most congested and dangerous intersections in Petoskey. Additionally, if there is that much asphalt, he is concerned about diverting the water into the wetlands and damaging the property. He noted that traffic congestion is an issue that will only get worse. It is already backed up on all sides of the intersection.
- c. Ethan Swiger is a resident of Atkins Rd. He noted that he travels that corner quite a bit and that property has been in that state for a while. The treeline there is an obstruction to the view at the intersection. Some type of development would be an improvement to the property to help open up the view. The site plan review will take care of people's concerns. This is an opportunity to improve the site and the view and to also bring in some turn lanes.
- d. George Johnston noted that the traffic on that intersection is one of the most dangerous areas of Bear Creek Township. There have been times where the traffic is backed up to Atkins Rd. Many school busses travel through that intersection. It would be dangerous to add more traffic to that.

Applicant Rebuttal:

Craig Richardson noted that although everyone is concerned about traffic, they just went through the traffic issue in Mt Pleasant. They are putting in a station there and did a traffic study. Most gas station traffic is traffic that already exists and is passing by. The engineering measure a developer can put in place to help alleviate the congestion is a turning lane, which is something they are proposing. Atanasoff noted that this project will alleviate the traffic and make it flow better with a turning lane (at the developer's expense). Richardson noted that they have rules and regulations in place for storm water and they will address it on the site plan. Atanasoff noted that this intersection has 10,000 cars a day, and they picked the site because of the traffic. The traffic at other Krist locations is about double this and there are no accidents at those sites.

Additional Board Discussion and Questions:

Cyphert noted that if the Planning Commission were to approve this special use permit, there would be studies required. We have issues with lighting, water runoff, connection with the city, etc. that would all need to be addressed. However, if the Planning Commission were to approve this and Krist were to withdraw from the project, what would happen to the special use permit? Additionally, would the new applicant have to be a gas station/retail store, or could it be another use in B-1?

- a. Doernenburg clarified that if the Emmet County Planning Commission approves the special use permit, it would run with the property. Another applicant could come in with their own site plan. If the use is approved, the site plan details will follow. Any B-1 use can be proposed at this site. Any special uses come before the Planning Commission. Permitted uses are reviewed administratively, or can be reviewed by the Planning Commission if the applicant is more comfortable with that. If someone were to come forward with a different special use, they would have to come before the Planning Commission.

Mays noted that she has seen the Krist station in Charlevoix. While it is very well done, it is extremely bright. Considering the hours of operation and traffic, May cannot see a gas station going there. It will impact the residences and the lights will still be very bright, even facing in a downward direction.

- a. Radatovich agrees that a gas station is too heavy of a use for this site and it will have a detrimental impact on the neighbors. There will be too much light pollution, both from the gas station itself and the cars. She is concerned about car lights shining into the neighbors' homes late at night. In addition, there is some noise concern, with traffic and car doors opening and closing. She is also concerned about goodwill accidents; people attempting to turn left onto Division and someone waving them through and the vehicle being hit by someone turning right onto Division from the intersection. Radatovich recognized that Krist runs a clean operation, but she is concerned if another gas station were to apply to go there, and would run a less cleanly operation. Lastly, she feels that this is a commercial property but needs a less heavy use.

Cyphert asked if a photometric grid study, which shows light pollution, would help the committee determine if this project would have a conflict with the neighbors.

- a. Doernenburg noted that the maximum amount of light pollution at a property line is 0.5, and because of the topography of this site, it will be difficult not to spill onto neighboring property.

Haven noted that gas stations are not a destination, but rather, service traffic that is passing through. The existing trees make this corner really difficult for viewing. He would like to see the trees removed and a turn lane added. However, those are site plan comments, which we are not addressing today. In regards to the special use, this parcel is zoned B-1. This use meets the B-1 standards with some exceptions, but most of those things are things addressed in site plan review. There are some very real concerns from the neighbors, including light, traffic, and stormwater runoff concerns. The Planning Commission should be careful approving a special use, as it would be there forever. He feels a gas station meets B-1 as a special use permit.

- a. Mays clarified that it does not meet B-1, rather, it is a special use within B-1 zoning.

Cyphert noted that the other issues, while they are part of site plan review, are also part of the puzzle. He asked if the applicant will have to pay to have the city water line brought up. He is in favor of removing the foliage to help with sight at the intersection and is also in favor of adding turn lanes to help with congestion.

- a. Haven clarified that this site will be served by Bear Creek Township sewer.
- b. Mays noted that the utilities at the corner also block your view.
- c. Radatovich agreed that the turn lanes would help that intersection, however, we do not necessarily need a gas station use in order to obtain turn lanes. It is likely that whatever business develops this property will put in turn lanes, because it will help customers get into their business (regardless of what business it is). She noted that we all agree that turn lanes would be helpful, but wants to make sure the Planning Commission doesn't approve the use just as a means of obtaining turn lanes. The Planning Commission should only approve the use if it is a use they deem acceptable.

Kargol noted that a right turn lane would be an advantage, as currently, there is a shared right turn/straight lane which backs up traffic. The right lane will alleviate traffic. There is nothing else to be done about timing the light. The ideal solution would be for a roundabout, but there is not enough room in that intersection to add one.

Denny Keiser noted that if this project goes through, the Planning Commission will need to ensure that the utilities are buried. Additionally, water is an issue and it will need to be a looped system, not just run down Mitchell Rd. Those items can come in site plan review. He understands that a traffic study will need to be done there, and is not sure if there are any more adjustments that can be done to the timing of the light. He is concerned about cars turning onto Division Rd and how that light would affect the neighbors. Additionally, there is a requirement that oil storage tanks be at least 800ft from all wells (including neighboring residences). If you cannot meet that requirement, you need a municipal system, which is where the city water comes in.

- a. Richardson noted that they would address that in site plan review. Atanasoff noted that they have a new store in Mt Pleasant and the intersection there has 22,000 cars a day. The Planning Commission there allowed them the same site plan, even though the traffic is double (what is at this intersection). They are going to be putting in a fifth lane there because the traffic is so heavy. He noted that they are more of a grocery store than a gas station. Stan and Krist Atanasoff shared about their experience putting in Krist gas stations in Charlevoix, and how they worked with the city to help with traffic congestion.
- b. Radatovich noted that the Petoskey and Mt Pleasant stores are not an equal comparison. The traffic count at the intersection of Division and Mitchell (which is estimated to be about 10,000 cars per day) is half that of the Mt Pleasant location (22,000 cars), which may seem like much less to the applicant, but to Petoskey locals, this is one of our busiest intersections. It may not seem like heavy traffic for the applicant, but it is heavy for Petoskey. Additionally, this is not a good comparison to Mt Pleasant because this Petoskey site has residences abutting it.

Motion by Mays to deny Case #PSUP21-018, Krist Oil Company for Special Land Use Permit Review – for a gas station and food market, on property located at 2196 E. Mitchell Road, Section 4, Bear Creek Township, tax parcel 24-01-19-04-100-052, as shown on the site plan dated Received September 29, 2021 for the following reasons: the proposed use does not meet the standards for approval of Section 21.02.A. as the use would have a detrimental impact upon the surrounding residential uses related to traffic, lighting, hours of operation, and servicing by trucks, and the application does not show that it meets the standard of Section 21.02.C. as no City of Petoskey approvals have been received for community water and Bear Creek Township for sanitary sewer. 2nd by Radatovich.

- 1. Roll Call: Cyphert, Kargol, Haven, Olliffe, Radatovich, Mays
 - a. Yes: Olliffe, Radatovich, Mays
 - b. No: Cyphert, Kargol, Haven
 - c. Absent: Brown

Tie Vote

Motion by Radatovich to postpone Case #PSUP21-018, Krist Oil Company for Special Land Use Permit Review – for a gas station and food market, on property located at 2196 E. Mitchell Road, Section 4, Bear Creek Township, tax parcel 24-01-19-04-100-052, as shown on the site plan dated Received September 29, 2021 for the following reasons: in order to settle a tie vote to make a recommendation. 2nd by Mays.

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

Passed

VII. Public Comments:

- a. Caesar Citraro noted that that intersection is incredibly busy and is used by many school kids. He feels that making a turn onto Division would be a nightmare from this location.
- b. George Johnston feels that the traffic count from Mt Pleasant has nothing to do with Bear Creek Township. This intersection is where our school families go in the morning. The turn lanes are not going to stop the traffic.
- c. Christine Webster asked if the township or county would consider pursuing the property to put turn lanes in or do a roundabout. As a community, is there a way to go about proposing that? She noted that the property was rezoned to B-1 without the bank

owning it. She would like to see the township or county buy this and make it a safer intersection for schools and residents. Additionally, she asked why the traffic study wasn't done before the applicant came.

- i. Mays noted that the township typically buys land to build parks.
- ii. Doernenburg noted that Webster can contact Doernenburg or Keiser about that.
 - i. Keiser noted that all four legs of the intersection would have to be opened up, not just one side. Typically, roads are improved as developments are built.
- d. Mat Webster asked if we would like to see another gas station when there is one 350ft away from this location.

VIII. Other Business:

Site Plan(s) approved administratively- Meijer, Inc- store and gas station (Bear Creek Township)

Doernenburg noted that she administratively approved an expansion for Meijer for a new freezer on the backside of the new curbside area. Additionally, they will be adding multi-use bathrooms to their gas station. Doernenburg has also been working with the trails council to administratively approve their new pavilion. Lastly, she is working with Petoskey RV Storage, who wants to put a building on the back side of their lot.

Housing Summit Update:

Doernenburg shared that the housing summit was last week and there were many unique ideas brought forward. She noted that some of the programs are still available on the Housing North website.

Enforcement Report

Doernenburg noted that she is working on some drainage issues. Additionally, she shared that all the trees were cut down at the old church on Anderson Rd. This is going to be a medical office. Lastly, she noted that Crossfit's dumpster is gone but the enclosure remains. Doernenburg noted that the Emmet County Planning Commission has sent the Manthei case back to the Planning Commission for review.

IX. Next Meeting: November 17th, 2021 at 6:30pm

X. Adjournment: 7:43p.m.

Respectfully Submitted,

Emma Radatovich

Emma Radatovich, Bear Creek Township Clerk

Jim Kargol, Recording Secretary