

## Bear Creek Township Planning Commission Meeting January 26, 2022

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

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

a. Absent: Haven

b. Others in Attendance: Tammy Doernenburg, Denny Keiser, Tom Urman, Hillary Taylor, Jared Clark, Leila Clark, Brandon Clark, Melissa Stahl, Cheryl Leonard, Ron Chicisa, Jason Kishmish, Todd Flynn

**III. Election of Officers**

**Motion** by Radatovich to elect Mitch Brown the chair of the Planning Commission, Jeff Haven the vice-chair of the Planning Commission, and Jim Kargol the recording secretary of the Planning Commission. 2<sup>nd</sup> by Cyphert. **Passed**

**IV. Pledge of Allegiance**

**V. Approval of Minutes**

a. **Motion** by Mays to approve the minutes of the November 17, 2021 meeting. 2<sup>nd</sup> by Cyphert. **Passed**

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

Case was withdrawn by the applicant.

**VII. Case PSPR21-009 Grand Management & Development, SITE PLAN REVIEW- Auto Parts Retail Establishment, US 131 Hwy**

Tammy Doernenburg gave a background to this case:

Doernenburg shared that this case was first on the agenda in November and is a site plan review for a retail store on US 131 S in Bear Creek Township. The property is not currently owned by the applicant. This is the location of a fill site and there has been some extraction that has occurred over time. The current proposal is to have a retail use on the northeast corner of this parcel. In November, the case was postponed and the reasons given for the postponement were that the Planning Commission wanted a signed easement agreement to utilize access management with the adjacent properties, to discuss with MDOT the possibility of moving the driveway, to add the turn radius for delivery trucks to the site plan, to address concerns on the site plan, and that rear parking be moved out of the rear setback. There was a lot of discussion in November about the access from 131 and the need to separate the ingress/egress from the parking area for this use. The applicant provided an updated site plan and moved the driveway to the south and put in a boulevard entrance to separate the ingress/egress from the parking area. The updated plan also moved the dumpster and added the information that was requested. Doernenburg shared an elevation showing the color. There were some screening elements added to screen the rooftop, HVAC, and other mechanical equipment. The dumpster detail is provided and now meets the minimum setback standards. Landscape details are provided: there are ten trees shown on the site plan and still the landscape details and the site plan are not in sync, however, whichever has the most restrictive will be used, which is the site plan. The turning information has been provided. A truck would come in and back into loading area. The proposed access is a right in/right out only off 131. The lighting detail is provided as full cutoff lighting with 20ft high posts. The request is for a site plan review. This property is zoned B-2, which does allow for a retail establishment. Most of the discussion in the November meeting was about cross access to Anderson Rd. There has been lots of communication with the developer about that in the last few months. Today, the developer provided in an email a signed easement. The email indicates that the signed easement is the exact version which was provided in November. The fire department reviewed this and also wants cross access onto Anderson Rd. The setbacks for the buildings have been met and parking setbacks have been met (except along the rear side, which the developer has said they would intend to share parking). The estimated cost for the drainage facility is \$303,802 and a sealed drainage plan would be provided after that drainage is installed. A performance guarantee in that amount would be required before a permit is issued, in order to meet the ordinance standards for drainage. Snow management is shown on the plan. The height of the retaining wall has been identified and is under 4ft. The request is for site plan approval for a retail establishment on US 131 on this portion of the parcel.

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

Jason Kishmish is present from the development company. He referenced the lengthy discussion from the November meeting in which the Planning Commission discussed having safe vehicular access to the site. The Planning Commission was concerned about the parking being adjacent to the drive aisle, so they created a dedicated approach with a curb separating the traffic. In regards to cross access, they did get a signed easement agreement. There were some comments regarding screening, which have been taken care of. In addition, the dumpster location and landscaping have been corrected. This plan is better than the originally proposed plan and is safer due to the barrier between the parking lot and the drive. The southern portion of this parcel may be developed in the future, but there is nothing in the works currently, and it may never be developed. They did a geotechnical study and the majority of the site is fine for future buildout, but the south end is questionable.

Keiser shared that the signed easement is different than the original easement provided in November. The November easement included a utility easement, and that is not in the January version. In addition, the November easement was a complete easement, and the signed copy we have today is a conditional easement. In paragraph three, the signed easement reads: "Notwithstanding anything to the contrary contained herein, the Parcel B Access Easement over, across and through the Parcel B Access Area *shall not be usable until Parcel B has been developed and access to Anderson Rd and/or Highway 131 South is open and usable.*" Keiser noted that the way the easement reads, the Anderson access will not happen until the other portion of the property is developed, which may never happen. We have no guarantee that the rest of the property will develop. The way this easement reads, O'Reilly's would operate with a right in/right out access to the highway only, until the rest of the property develops, and then the easement to Anderson would be open.

Radatovich noted that the zoning ordinance states that this shall have safe and uncontested access. A right in/right out only is not full and uncontested access. Because this easement is conditional, the access would not be full/uncontested until the Anderson Rd access is put in, which is dependent on the rest of the property developing.

Kishmish read through the November easement and the signed easement. The idea is that if and when the remainder of the property develops, O'Reillys would have easement access to it. He cannot force another property owner to allow them onto the property. When that property develops, that would be the time to provide cross access and make traffic safely organized through each other's sites. He cannot design for something for the future when he does not know what is going to be developed there. At this time, this is an auto parts store with access through 131. If the parcel was already split, the Planning Commission would not be able to require access onto Anderson. In the end, they may end up acquiring the entire parcel.

Ron Chicisa is the architect for the development. He noted that in situations like this, MDOT trumps all local community ordinances. At this time, MDOT has allowed a right in/right out only access onto the highway. At this time, this is a 7,000sq ft auto parts store. When the rest of the property is developed further, then they will tie in the granted access.

Kishmish noted that this access is similar to that at Victories Square. They have a right in/right out with a second access. This parcel is conducive to commercial development and they will agree to provide Anderson access as it develops out.

Brown noted that we have no say over Victories Square, as that is sovereign land. The issue with this situation is that it is right in/right out access only. Our ordinance requires uncontested access and even our fire chief has suggested it. Our goal is to keep the traffic off 131.

Mays explained that the point of getting the easement was to have access onto Anderson Rd. The new site plan looks great, but there is still not another exit. In the current plan, someone would have to turn and go down to Intertown to turn around to go back north. She feels people may try to turn around and cause an accident. We do not know when the rest of the property will be developed, so we may never get cross access onto Anderson.

Kishmish noted that you cannot force another property owner to do something for this development. It would be different if there was a heavier use, but this is going to be an auto parts store with maybe 35 cars a day.

Mays noted that delivery drivers will have to come in and out every day.

Radatovich noted that currently, O'Reilly's does not own this property, so we would not be forcing someone to develop something off their property. It is still in one piece. In addition, this may not always be an auto parts store. We have to plan this access for any retail. In addition, in the past, the Planning Commission has held developers to the access management plan. For consistency's sake, we need to hold firm to the access management plan here as well.

Kishmish noted that they do not own the entire parcel, only one piece. This piece is a blank slate and they want this development to be a catalyst for more development.

Radatovich noted that the point of getting the easement was to have access to Anderson for O'Reilly now, not in the future.

Chicisa noted that they have the option to develop the access as the rest of the property develops in the future. As a developer, Kishmish cannot go on someone else's property to develop an access. He cannot design this access now until you know what is going to go there in the future. The Planning Commission will see the plans for the future development as they come and can address the access then. They want to make this property user friendly, in order to have repeat customers.

Kishmish asked if the access to Anderson is necessitated for O'Reilly's; is it that impactful that they need to engineer a drive for the entire site?

Brown noted that we are looking at the project as it stands, and currently, it does not meet the standards of the ordinance, which requires uncontested access.

Chicisa noted that he cannot control MDOT and maybe some future build out will make this safer. This is a national tenant who wants to go in this location.

Kishmish noted that the owner of the rest of the parcel is fearful that if an access is put in now, it will negatively impact their ability to develop in the future. They do not want to be restricted for future development.

Kargol noted that all of the other nearby right in/right out accesses (Victories Square, McDonalds) all have a second, full access. He does not want to set a precedence of allowing a right in/right out as the only access.

Kishmish noted that the issue is when the Anderson access would be put in. The rest of the property may never be developed. The signed easement is mutual. O'Reilly's would stem out the utilities so that they could tap into utilities to develop the rest of the parcel. This development would be a catalyst for future development. He cannot commit to buying the rest of the parcel at this time.

Cyphert noted that the new site plan is good, but has concerns about people who want to leave O'Reilly's and drive north. He feels people may start to "cheat" and make an illegal turn which could lead to accidents. This parcel needs access to Anderson for people to go out to go north. The way the access is now, this is not user friendly. If the developer cannot buy the remainder of the property to make the Anderson access happen, perhaps this is the wrong location for O'Reilly.

Kishmish noted that he feels burdened with putting in this Anderson Rd access for the rest of the development. If he were to get Anderson Rd access, he wants to ensure that this plan would be approved.

Radatovich noted that we cannot make this a conditional approval. This is too big of an issue to have on condition. In addition, if it was on condition, there is no confirmation that the county would keep this condition. She asked about MDOT.

Doernenburg confirmed that originally, MDOT wanted Anderson only access. Then, suddenly, we were notified that MDOT had approved a location for a right in/right out drive. MDOT approved the location of the access, however, this does not negate the fact that our ordinance still stands and this property still needs uncontested access.

#### Audience Comments:

Keiser noted that the Anderson Rd access is not new from November. We have been asking for this access since O'Reilly first approached about this parcel. He noted that he has not received a land division application, and is not sure if he can approve one with a right in/right out only access. MDOT approved this access without our knowledge. In November, we were clear that the Anderson access was a necessity. The property is a commercial use and the site plan itself is good, however, the access is an issue. We are currently looking at the property as it stands now, which is 10 acres, and now is the time to get the access right.

#### Applicant Rebuttal:

Kishmish noted that there was formal documentation for the MDOT approval and it was provided. There was some discussion about the loading area last time, and that documentation has been provided. The signed easement is also provided, and the only difference is to minimize the impact to the neighboring property owner.

#### Additional Board Discussion and Questions:

Radatovich noted that the Planning Commission should not get caught up in comparing the November easement to the signed easement. What matters is the easement that is signed today, which states that this access to Anderson shall not be usable until the rest of the property is developed.

**Motion** by Mays to **postpone** Case PSPR21-009, Jason Kishmish of Grand Management and Development for Site Plan Review for a retail sales store on property located on the west side of US-131 Highway in Section 18 of Bear Creek Township as shown on the site plan packet dated received January 20, 2022 for the following reasons: in order that access to Anderson Rd shall be provided, because Section 20.05 B in the zoning ordinance requires safe, uncontested access, and because the fire chief deemed cross access to Anderson as a necessity for safety purposes. 2<sup>nd</sup> by Cyphert.

Roll Call: Kargol, Mays, Radatovich, Brown, Cyphert, Gunderson

Yes: Kargol, Mays, Radatovich, Brown, Cyphert, Gunderson

Absent: Haven

**Passed**

#### **VIII. Case PSUP22-001 Jared Clark, Special Use Permit for a Home Occupation- Automobile repair and or restoration, 2016 E Gruler Rd**

Tammy Doernenburg gave a background to this case:

Doernenburg noted that this site is on E Gruler Rd. The pole barn and house are on two adjacent parcels. There were some permits issued in 2019 for the house property. Both parcels are owned by Jared Clark and the plot plan shows to use the existing barn. Parking is shown, as well as the existing driveway, for an auto repair/restoration use. The 2005 survey shows the existing barn and house, as well as the land division. This parcel was approved for an accessory building as a main use on the parcel. During that 2005 discussion, it was noted by a commissioner that the building fit into the neighborhood and it has been used for wood cutting and storage for many years. We have a floor plan, which shows that the building is larger than 600 sq ft (which is what a home occupation can use), so the floor plan shows that they are going to use 600 sq ft for the business and the rest will be for storage. The fire department has reviewed and has several conditions. The Emmet County Road Commission will have to review the site for access. They did indicate that they would be going out to the site for review. The proposed hours of operation are by appointment only, anticipating only one car per day for traffic on average. No signage is proposed. The fire department conditions indicated that the access drive will need to be at least able to withstand 75,000lbs and that is consistent with commercial accesses. In addition, the applicant will need to provide information

on the storage of flammable/combustible liquids. Waste, oil, and other liquids will need to be stored in approved containers. Liquid disposal will need to be shown. Portable fire extinguishers and a knox box will be required. The proposal is for a special land use for a home occupation in the existing building on this property on E Gruler Rd.

Cyphert asked how home occupations are defined and what type of occupations are allowed. He asked about enforcement if traffic becomes heavier in the future. Would there be an advantage to join these two parcels?

Doernenburg noted that if someone lives on a property or adjacent parcel, they are allowed to have a home occupation. When using a detached accessory building, the home occupation can only use 600 sq ft. If they are using a larger, existing building, they can only use up to 600 sq ft of that building, as shown on a floor plan. Home occupations are supposed to retain the character of the neighborhood. The applicant could only use the home occupation for the use requested. The applicant would be required to comply with the home occupation, and if it expands beyond the requested use, we could ask for it to be ceased or they could come in and apply for a modification to the site plan. From a zoning perspective, this application joins those two parcels, because it ties the homes up with the occupation.

Mays asked if the applicant sold the parcel, if the business would go with it. Doernenburg clarified that they would have to build a house on the property, or buy both parcels so that they had a home there.

Gunderson asked if there would be one car sitting outside the shop at a time. Jared Clark noted that there may only be one car coming in a month. It will be mostly restoration of vehicles from the 60-70s. The vehicles will be in there for a long period of time while they are being worked on. It will likely be less than one car coming in a day.

Brown asked if the applicant is willing to comply with the fire department requests. He is.

Mays asked if a commercial drive would be required. Doernenburg noted that they will have to follow the road commission's requirements, and the road commission did indicate there may be some sight distance issues. Radatovich noted that the Planning Commission recommendation can be pending road commission approval.

Kargol noted that there are many vehicles parked on site already. He is fearful that there will be more cars and parts stored outside. He has no issue with work being some inside the pole barn, but wants to ensure that there will not be lots of cars sitting outside, as it will become an eyesore. Radatovich recommended adding "no outdoor storage" on the site plan. Doernenburg noted that we could also limit the number of customer vehicles outside.

Cyphert noted that there may be some equipment costs that come with storing these liquids.

Radatovich noted that in previous cases, we have had large gravel driveways such as this, and we have discussed how curbing may not be appropriate in a residential area. However, there are still ways to delineate the driveway to keep it from widening. You could use landscaping or boulders to delineate the driveway. Keiser noted that if it is delineated, we should consider sight distance, as we would not want to block that.

#### Audience Comments:

Melissa Stahl is a neighbor. She shared her experience remodeling their home and feels it has brought value to the neighborhood. Her concern with this proposal is that it would become an eyesore. She shared that there is a nearby property who has a blight issue and her concern is that this property would end up this way. She takes pride in her home and does not want to see lots of cars and parts when you drive by. She feels that screening is important so that you cannot see it when you are outdoors, from her yard or the road.

Cheryl Leonard is another neighbor, who is concerned with having lots of things out in the yard. She also is worried about the noise. She likes the peace and quiet of living in the country and wants to keep the neighborhood the way it is. She agrees that supporting a family is number one, but wants to make sure this project can be done with no negative impact to the neighbors. She is fearful that the parcel will start to look like a "junkyard".

Melissa Stahl shared a text from another neighbor, Barb Simon, who is out of town. Simon is not in support of this project and is concerned with the extra vehicles.

Leila Clark noted that Jared will only be working on one car a day, so it will not get junky. There will not be a lot of vehicles coming in and out. She noted that they do already own a lot of personal vehicles, but that is because Jared is a "car guy". She noted that they understand the noise concern, but it will not be any nosier than the neighbors outside in the pool.

#### Applicant Rebuttal:

Jared Clark noted that he used to work for Motorworks in Boyne City. The cars he will be working on are nice cars, not the every day car you see on the road.

Melissa Stahl noted that she does not want to see this, as it is a residential neighborhood. This is not a commercial area and she wants to come home to the country.

Jared Clark noted that he has been working on his own personal vehicles out of that pole barn for years and has never had a noise complaint.

Leila Clark noted that there has always been a business on this property. It used to be huge trucks with wood, so this will be a lesser use.

Additional Board Discussion and Questions:

Keiser shared information about the township blight ordinance. He agrees that the property Stahl was referring to has had multiple blight cases. It is frustrating for the township as well. When we receive blight complaints, we try to handle them the best we can. The only vehicles that are considered “blight” are unlicensed vehicles. Clark’s personal vehicles, which are all licensed, would not be considered blight.

Doernenburg noted that the Planning Commission can limit the number of cars that are there for the home occupation use, and we can ensure that all the work is done inside.

Mays noted that because only 600sq ft of that pole barn is being used for the home occupation, perhaps some of the remainder could be used for storing his licensed personal vehicles. Mechanical work is not a noisy job.

Cyphert agrees that we should establish a number of licensed vehicles (not registered to the Clarks) that could be outside their home for the business. This would help the neighbors as far as visibility in a residential area.

**Motion** by Mays to approve Case #22-001, Jared Clark, Special Use Permit for a Home Occupation to operate an automobile repair and restoration business at 2016 E. Gruler Rd, Section 19, Bear Creek Township as outlined in the Home Occupation Use Plan dated January 13, 2022 and as shown on the site plan dated January 13, 2022 because the use meets the standards of Section 26.11, the use will not conflict with the residential character of the neighborhood, only people living on the premises may be employees of the home occupation, hours of operation may be by appointment, and no signage is permitted. Conditions of approval to include: that the maximum number of cars stored outside for the business use would be limited to 2 cars, that the fire department standards are met, and that road commission approval would be required. In addition, as a recommendation to the applicant, the Planning Commission would recommend that the owner’s personal vehicles be moved to the rear of the pole barn, to be shielded from the road. 2<sup>nd</sup> by Gunderson.

Roll Call: Mays, Radatovich, Brown, Cyphert, Gunderson, Kargol

Yes: Mays, Radatovich, Brown, Cyphert, Gunderson, Kargol

Absent: Haven

**Passed**

**IX. Case PPTXT21-04 Emmet County Planning Commission, TEXT AMENDMENT- Accessory Dwelling Units**

Tammy Doernenburg gave a background to this case:

Doernenburg shared that we have a housing issue and one of the ways to address this is to look at our zoning ordinance and remove barriers to affordable housing. The proposal is to add a section to the ordinance which would allow for accessory dwelling units- units that could be used as an attached or detached unit on the same parcel. If you have the minimum square footage for your parcel, you could have your house along with this ADU in certain zoning districts. This new portion of the ordinance defines ADUs and then designates them to the zoning districts of R-1, R-2, RR, SR, PT, FF-1, and FF-2. Those would all be allowable for ADUs, some as permitted by right and some with supplemental regulations. The supplemental regulations are laid out in Section 26.53 and it limits one per lot, limits that you cannot split it from the primary dwelling unless all standards are met for each lot, it can be no larger than 75% of the ground floor area of the principle dwelling (or 800sq ft, whichever is less), it cannot be less than 200sq ft, it has to be designed and constructed with materials consistent with the dwelling on the property or in the vicinity, and elevation sketches/floor plans will have to be provided. ADUs will be exempt from the minimum building width. In the SR, RR, R-1, and R-2 districts, we have a minimum width for a dwelling of 20ft for half the length, and this would exempt these structures from that minimum width. You would need 1.5 parking spaces for a house plus ADU. The maximum height cannot exceed that of the principle structure. The dwelling unit has to have all the elements of a dwelling: sleeping area, cooking area, sanitation, etc all within that building. Mobile homes/trailers/RVs cannot be used as an ADU. This would be administratively reviewed. The ADUs could have a basement but the basement would not count towards the square footage. It has to have an onsite septic system or sanitary sewer and the applicant has to provide proof that the health department has approved it. The ADU has to have its own entrance, kitchen, sleeping area and a full bathroom facility separate from the main dwelling. It can be attached or detached to the primary house.

Cyphert asked about tiny homes and if these are permanent structures. Doernenburg clarified that if the tiny home is portable, it will not qualify as an ADU, but if it permanent and attached to the property, it would qualify.

Brown asked if the parcels can be split. Doernenburg clarified that they can only be split if the property requirements and setbacks are met for both.

Keiser asked if cabins qualify, as they do not meet the 560sq ft minimum. Doernenburg noted that a cabin is a dwelling if it meets the definition of dwelling: elements to include a cooking area, sanitation, living area, more than 200sq ft, etc.

Doernenburg added that we could stipulate that ADUs could not be used for short term rentals. In addition, she added that the well and septic could be shared with the house if there was capacity, however, you still have to have health dept approval before a zoning permit is issued.

**Motion** by Cyphert to recommend approval of the Emmet County Zoning Ordinance text amendment PPTTEXT21-04 to add Accessory Dwelling Units as proposed by adding the definition of Accessory Dwelling Unit, by amending articles 4, 5, 6, 7, 8, 13, 4.01, 5.01, 6.01, 7.02, 8.01 & 13.01 to allow ADUs with supplemental regulations, and by amending Article 18 to add ADUs in the Land Use Matrix and by adding Section 26.53 with an intent and purpose statement and 13 standards. Approval is based on the facts presented in this case, the discussion during public meetings, the public hearing(s) held on the case and the text amendment is supported by the Emmet County Master Plan, specifically in the implementation and Action Plan items 2, 11, 12, and 13 and Chapter 5 Housing. In addition, to add the stipulation that accessory dwelling units cannot be used for a short-term rental. 2<sup>nd</sup> by Mays.

Roll Call: Brown, Cyphert, Gunderson, Kargol, Mays, Radatovich

Yes: Brown, Cyphert, Gunderson, Kargol, Mays, Radatovich

Absent: Haven

**Passed**

#### **X. Case PPTTEXT21-05 Emmet County Planning Commission, TEXT AMENDMENT- Cluster Housing**

Tammy Doernenburg gave a background to this case:

Doernenburg shared that this came about to address workforce housing issues. The proposal is to keep cluster housing as a special land use in R-1. The change makes it a principal use in R-2, FF-1, and FF-2. It also adds provisions that would have to be met in order for it to be administratively approved. The intent is to encourage innovative site design, reduce the cost of infrastructure, observe natural and sensitive landscape, provide needed and affordable workforce housing, and utilize shared common open space. Residential building clusters could be approved administratively in those zones listed as permitted by right with regulations, if it met the following criteria: gross density cannot be greater than what the underlying zoning district allows, common open spaces have to be dedicated, cluster housing will provide a minimum perimeter setback of 50ft on the side and rear and 40ft from the road right of way, maximum number of units allowed in this section is 30, parking may be applied to the entire site, and community structures are allowed (either as a shared community building or space within a home, i.e. shared kitchen). The cluster housing plans are allowed in R-2, FF-1 and FF-2 and you have to have at least 20 acres, with 150ft of lot width. This has to be served by sanitary sewer or have health dept approval. There is no minimum size for each dwelling required, but you do have to have facilities for eating, sleeping, cooking and sanitation. Applicants would have to meet the standards for scheduled regulations and the site plan has to meet the standards of Article 20.

Cyphert asked if there is anything like this in the area. Doernenburg noted that some of the local landscapers have something similar to this for their workforce.

**Motion** by Cyphert to recommend approval of the Emmet County Zoning Ordinance text amendment PPTTEXT21-05 to modify Residential Building Clustering Plan and add Residential Building Cluster Housing as proposed by moving the standards to Article 26 and adding Section 26.55 with 12 supplemental stipulations. Approval is based on the facts presented in this case, the discussion during public meetings, the public hearing(s) held on the case and the text amendment is supported by the Emmet County Master Plan, specifically in the Implementation and Action Plan items 2, 11, 12, and 13 and Chapter 5 Housing. In addition, to add the stipulation that cluster housing may not be used for a short-term rental. 2<sup>nd</sup> by Radatovich.

Roll Call: Cyphert, Gunderson, Kargol, Mays, Radatovich, Brown

Yes: Cyphert, Gunderson, Kargol, Mays, Radatovich, Brown

Absent: Haven

**Passed**

#### **XI. Case PPTTEXT21-06 Emmet County Planning Commission, TEXT AMENDMENT- Duplex**

Tammy Doernenburg gave a background to this case:

Doernenburg noted that this request was suggested by Bear Creek Township. Currently, we allow for duplexes, but one half has to be owner occupied. This proposal would change that so that both sides of the duplex would be allowed to be rented out. However, they would not be allowed to be used for short-term rentals.

**Motion** by Cyphert to recommend approval of the Emmet County Zoning Ordinance text amendment PPTTEXT21-06 by replacing paragraph B from Section 26.49 with “No duplex or duplex unit may be rented for periods of less than 30-days (e.g. no short-term rentals), except within the R-2 Zoning District” Approval is based on the facts presented in this case, the discussion during public meetings, the public hearing(s) held on the case and the text amendment is supported by the Emmet County Master Plan, specifically in the Implementation and Action Plan items 2, 11, 12, and 13 and Chapter 5 Housing. 2<sup>nd</sup> by Mays.

Roll Call: Gunderson, Kargol, Mays, Radatovich, Brown, Cyphert

Yes: Gunderson, Kargol, Mays, Radatovich, Brown, Cyphert

Absent: Haven

**Passed**

#### **XII. Case PPTTEXT21-07 Emmet County Planning Commission, TEXT AMENDMENT- Child Care Facilities**

Tammy Doernenburg gave a background to this case:

Doernenburg shared that this is a change in the land use matrix. Currently, child care homes are regulated by the Zoning Enabling Act. If you have a child care home with six children or fewer, it is a permitted use in all zoning districts which allow single family dwellings. If you have 7-12 children (group home), it can be a special land use in your zoning district and you can have specific standards. The proposal is to change it from a special land use to a permitted land use in all the residential zoning districts and farm forest. We would also change the day care center to allow it as a permitted use in the business zones and as a special land use in FF-1 and 2. Currently, it is a special land use in R-1, B-1 and B-2. This would be administratively approved unless it was as a special land use.

**Motion** by Mays to recommend approval of the Emmet County Zoning Ordinance text amendment PPTXT21-07 by replacing the work “less” with “fewer” in all occurrences within the Zoning Ordinance to read “Family Child Care Home (6 or fewer).” To replace the “S” with a “P” in the R-1, R-2, RR, SR, FF-1, FF-2, and FR Zoning Districts for the row Group Child Care Home (7-12) in the land use tables. To add a “P” to the land use tables for Child Care Center or Day Care Center/Nursery School in the categories R-2, B-3, I-1, I-2, P-T, I-1 and I-2. To add an “S” to the land use tables for Child Care Center or Day Care Center/Nursery School in the categories FF-1, FF-2, FR. To change the “S” to a “P” to the land use tables for Child Care Center or Day Care Center/Nursery School in the categories B-1 & B-2. Approval is based on the facts presented in this case, the discussion during public meetings, the public hearing(s) held on this case and the text amendment is supported by the Emmet County Master Plan, specifically in the Implementation and Action Plan item 1-k. 2<sup>nd</sup> by Radatovich.

Roll Call: Kargol, Mays, Radatovich, Brown, Cyphert, Gunderson

Yes: Kargol, Mays, Radatovich, Brown, Cyphert, Gunderson

Absent: Haven

**Passed**

### **XIII. Case PPTXT21-08 Emmet County Planning Commission TEXT AMENDMENT, Access Management Overlay**

Tammy Doernenburg gave a background to this case:

Doernenburg noted that Bear Creek Township and Emmet County have adopted an Access Management Plan. By adding it directly into our ordinance, it establishes it from an enforcement standpoint. Beckett and Radar helped prepared the document and at this time, the overlay will only impact Bear Creek. If this works, we can expand it to other areas. In addition, Doernenburg noted that MDOT will not trump this, in fact, MDOT helped prepare the original Access Management Plan. There is a clause in this document that the Planning Commission could waive it only in extenuating circumstances.

**Motion** by Radatovich to recommend approval of the Emmet County Zoning Ordinance text amendment PPTXT21-08 by adding Section 22.17 Access Management Overlay as proposed. The amendment will add an Intent, Applicability, Process requirements. General Access Management Standards and Exceptions to Article 22. Approval is based on the facts presented in this case, the discussion during public meetings, the public hearing(s) held on this case and the text amendment is supported by the Emmet County Master Plan, specifically in Chapter 9 Action Plan item 8-f and is consistent with the Access Management Plan adopted by Emmet County Planning Commission on August 2, 2018. 2<sup>nd</sup> by Kargol.

Roll Call: Mays, Radatovich, Brown, Cyphert, Gunderson, Kargol

Yes: Mays, Radatovich, Brown, Cyphert, Gunderson, Kargol

Absent: Haven

**Passed**

### **XIV. Public Comments: None**

### **XV. Other Business:**

Administratively Approved Site Plans- 2250 N US 31 Hwy- storage building

Doernenburg noted that there was a storage lot across from Petoskey RV that added a storage building.

Community Revitalization Plan- discussion

Doernenburg shared that a Community Revitalization Plan is helpful for developments applying for LITC funding (low income housing). If we were to want to develop a plan like this, we could put out a RFP to see what the cost would be. This plan would identify and target parcels that are ready to be developed or have the necessary infrastructure to be developed. The Planning Commission would like to review examples of other plans like this.

Enforcement Report

Doernenburg gave a brief enforcement report.

Rezoning

Keiser recommended that the Planning Commission consider rezoning the corner lot of Division/Mitchell back to R-2. He is going to check with the property owners first to see if they would be interested.

**XVI. Next Meeting:** February 23, 2022 at 6:30pm

**XVII. Adjournment:** 9:19p.m.

Respectfully Submitted,

*Emma Radatovich*

Emma Radatovich, Bear Creek Township Clerk

Jim Kargol, Recording Secretary