

## Bear Creek Township Planning Commission Meeting April 27, 2022

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

**II. Roll Call:** Gunderson, Kargol, Radatovich, Brown, Haven

a. Absent: Cyphert, Mays

b. Other Staff in Attendance: Tammy Doernenburg, Denny Keiser, Tom Urman

**III. Pledge of Allegiance**

**IV. Approval of Minutes**

**Motion** by Haven to approve the minutes of the February 23, 2022 meeting. 2<sup>nd</sup> by Kargol.

**Passed**

**V. Case PSUP22-005 Bob Carson, SPECIAL USE PERMIT, Accessory Building Exception, 5645 E Bear River Rd, Bear Creek Township**

Hillary Taylor gave a background to this case:

Taylor explained that this case is a special use permit for an accessory building exception. The location of the property is along the county line. The property is zoned FF-2 and is approximately 69.67 acres. This is a largely treed and vacant property on E Bear River Rd. The applicant is proposing a barn which does meet the setback standards of the ordinance. The barn is proposed to be 400ft from the front, 600ft and 200ft from the sides, and 2000ft from the rear. The permitted building size is 2400 sq ft and the applicant is proposing 3840 sq ft. The building is proposed to be 16 ft tall and is partially screened from the road with trees. This building is for personal storage. The road commission issued a driveway permit and the applicant is proposing a future residence on the property.

The applicant addressed the Planning Commission in regards to this case:

Bob Carson noted that he currently lives on E Mitchell and bought this property last July. They would like to make this their new residence over time. They would like to put up the barn first to house their personal storage and RV. The 16ft height is due to the fact that he has the RV to put inside. You are not likely to see this building from the road, and he is not proposing any clear cutting.

Brown asked the proposed color of the barn. He asked what would happen in the case of a property split.

Carson noted that they are likely to paint the barn grey with black trim.

Keiser explained that in a property split, they would have to have two acres and be able to meet setbacks.

Taylor shared a question from absent commissioner Judy Mays, who asked if this was for personal or commercial use. This storage is confirmed to be for personal use.

Audience Comments: None

**Motion** by Radatovich to approve Case #PSUP22-005, Bob Carson for a Special Use Permit for a Customary Accessory Building without a main use and an Exception to the size standards of an accessory building on property located at 5645 E. Bear River Road, Section 36 of Bear Creek Township on tax parcel 24-01-19-36-400-012, as shown on the site plan dated April 1, 2022 because the standard of Section 22.01.5 have been met based on the facts presented in this case and no good purpose would be served by strict compliance with the size standards of the Ordinance and on condition that the building be used for personal use, and an affidavit of use be filed with the Register of Deeds prior to issuance of a zoning permit. 2<sup>nd</sup> by Haven.

**Roll Call:** Kargol, Haven, Gunderson, Radatovich, Brown

Yes: Kargol, Haven, Gunderson, Radatovich, Brown

Absent: Mays, Cyphert

**Passed**

**VI. Case PSPR22-002 JAR TAR Real Estate Dev LLC, SITE PLAN REVIEW, Car Wash, 1285 N US 31 Hwy, Bear Creek Township**

Tammy Doernenburg gave a background to this case:

Doernenburg noted that this first case is located on US-31 and M-119. It is the location of the former LaSeniorita restaurant. The property is zoned B-2 and is .76 acres. There is a police post to the north, a vacant parcel to the east, an insurance company to the west, and across the highway is a lumberyard. The current site has three accesses onto 31. This plan would reduce it to one access along 31. There would be an entrance/exit from Kegomic and an entrance only from 31. There is a car wash and vacuums proposed and then across the street would be a detail center, more vacuums, and a paved area for future development. Doernenburg shared the current site conditions: the restaurant exists in the road right of way, as well as parking. This new plan eliminates parking in the road right of way. On April 19<sup>th</sup>, the ZBA approved a setback variance for parking to the south and a 1ft variance for setback parking to the north. The applicant did update the plan, so there is no longer a 5ft setback variance. There will be a full 10ft setback along M-119. On the updated plan, the applicant did identify the screening that would be overtop of the vacuum bays. The building meets the height standards at 23.5ft and is 155ft long. There are three employee parking spaces provided. Doernenburg shared a graphic of the vacuum as well as the landscape plans. Both the fire chief and ZBA were concerned about screening along M-119 and car lights shining into oncoming traffic. This will need to be addressed at the Planning Commission level. Any trees in the road right of way would require

approval from the road agencies with jurisdiction over them. A car wash is a permitted use in the B-2 zoning district. Snow management is shown on the plan. We have a sealed drainage plan and the estimated cost for the performance guarantee is \$40,000. This ensures that the drainage is built the way it is designed. Outdoor lighting and signage has not been submitted and is reviewed administratively. Fire chief review is provided. MDOT and the road commission were appreciative of the access management principles in eliminating two accesses onto 31. Doernenburg shared the renderings of the proposed building as well as photographs of the site. The review will be based on the new plan dated April 19<sup>th</sup>. This case could have been approved administratively, however, it was asked to be brought to the planning commission, as it is a high profile case. The ZBA felt this is a good use for this property.

Brown asked if the flagpole is included in staff review. Doernenburg noted that flagpoles are regulated in the sign section of the ordinance.

The applicant addressed the Planning Commission in regards to this case:

Joshua Runion was present to represent Jar Tar Development. He noted that this is a unique corner that will be the perfect location for something people need: vacuums and a car wash. Runion shared that he lives primarily in Texas and has a house here, and he saw that there are not many places around here where you can get the inside of your car cleaned. Services such as these add value to the community and allow you to take care of the assets you own. On the back side of the property, he is proposing a detail center. All services will still be available in the winter. The goal is to allow people to establish good habits to keep their cars clean.

Kargol asked if the two lanes for the car wash taper into one. In addition, he is concerned that people will pull into the property from Kegomic Rd, see a long line, and make an illegal turn out onto 31.

Runion noted that yes, the cars will taper into one lane to go through the wash. The landscaping will help protect as a guard for people not to turn onto the highway. In addition, he noted that you should be able to see the line of cars if you turn in off the back side. In addition, he noted that there may not be much line. The type of equipment they are purchasing can wash 180 cars an hour.

Brown agreed that there should be measures in place to prevent cars from turning out onto 31, or some way to delineate that as an entrance only. Runion suggested orange traffic cones to make the flow clearer. Radatovich suggested a yield sign for those turning in from Kegomic, and under that could be a sign that stated that there was no exit onto 31.

Runion noted that there will be different levels of services available. There is also a thought to have a floor with a museum of cars. The colors of flags are important in racing (red, yellow, and green). They are hoping to use these flags to communicate with patrons. In addition, there will be monthly memberships available. Direction and communication to members is very important.

Brown asked the plan for trash onsite. He asked about the noise level and location of the compressor. Runion explained that the trash compartment will be with the vacuums. Trash will be collected and stored inside the car wash building and then taken across the street to the detail side at the end of the day. He noted that vacuums will be for car wash patrons only. There will not be a place to fill up your tires. The noise level will not be bad because vacuums will not all be used at once. They will be using a company out of Holland for all equipment. Doernenburg noted that noise issues are complaint driven.

Brown asked about the conceptual drawings. He asked about the fire access issue. Runion noted that these drawings are about 80% accurate. There are some things that may need to be changed for functionality or cost. But the overall concept and colors of the building will be the same. In regards to fire access, the fire chief's concern was how to get to a car on fire. The retention in the middle can have a section that could be driven over if needed or a cattle guard could be put into place. Doernenburg noted that we can make this plan contingent that it satisfies the fire department.

Brown asked about the landscape plan. He wants to make sure the screening from headlights is present. Andrea Jacobs explained what a spirea plant looks like. It is a vase shaped bush with flowers all over it. They are thick and green all summer and in the winter time the branches are like a thicket. Runion noted that these are 36" plants and the goal of the landscaping was to have lots of blacks and whites to keep the theme of the car wash. The hours of operation will also have to be considered. The goal is to have the wash open during daylight hours.

Brown asked about the excavation of the car wash that was mentioned at the ZBA meeting. Will everything lower together? Will the landscape be irrigated? Runion explained that they will be flattening out this lot and cleaning it up. The plants will lower down with the building and will screen from headlights. Although the building moved over 5ft, everything else on the plan remains the same.

Brown asked about the flow of water on the parcel. Runion pointed out four locations that will be major drainage points. In addition, this new plan has 33% less impervious surface than is there now, so the soil will be able to absorb more.

Denny Keiser noted that if the parcel is flattened out for the building, it will create a berm along M-119. He noted that it may be more filling in the one side than removing dirt from the other. He noted that the high point is the middle and is flat. He questioned the numbers for drainage.

Brian clarified that this plan retains what is called for by the ordinance. He clarified where the water will flow to and some elevation questions and concerns.

Doernenburg shared the letter from MDOT, which noted that this site is being massively improved. Haven agrees that this is a great improvement to the site and the landscape plan will be much more absorbent than what is currently there.

Audience Comments:

Bob Carson suggested putting a small triangle with a bush where the entrances come together to direct traffic.

Keiser is in support of the project, just wants to make sure the water flows the correct way.

Tom Urman believes this is a great improvement to that corner.

Additional Board Discussion and Questions:

Kargol is concerned about traffic where the two lanes become one. He noted that in other drive thrus, there is a lane to go around the building if you change your mind and don't want to wait in line. If someone pulls in on this plan, they are stuck in line.

Runion noted that the capacity of this car wash can handle a lot of cars. If someone wanted to get out of line, they could flag down an employee who could help them go around. The average time to wait and go through the wash is less than 10 minutes.

Brown asked what the absolute most wait would be with 30 cars backed up. Runion confirmed it would be about 23 minutes at most.

Radatovich suggested that at the roadside signs, perhaps there could be a portion that lists the current wait time. Runion noted that there will be different products and services offered, but maybe they could put the average runtime for the day.

Brown asked about pedestrian traffic. Runion noted that people will not be getting out of their cars. The only pedestrians would be employees who were running across the street to the detail center. The slower moving patrons would be moved to the back for the detail side of things.

Haven sees the benefit of eliminating two accesses onto the highway. He noted that as people become familiar with the wash, they may come in off the highway to see what the line looks like.

Brown feels that the ZBA did a good job reviewing this case.

**Motion** by Haven to approve Case #PSPR22-002, Joshua Runion for Jartar Real Estate Development, LLC for Site Plan Review - for a carwash, on property located at 1285 N US 31 HWY, Section 34, Bear Creek Township, tax parcel 24-01-16-34-100-019, as shown on the site and drainage plan dated April 19, 2022 because the standards of Articles 11, 20, and 22 have been met based on the facts presented in this case and on condition that any exterior lighting and signage be reviewed by the Zoning Administrator, a performance guarantee in the amount of \$40,000 be submitted prior to issuance of a zoning permit, and the property lines be clearly identified prior construction, with the following conditions: that approval of the plan be contingent upon an acceptable solution for fire access, that there be delineation or directional signage put in place to prevent people from exiting onto 31, and that if the vegetation does not provide adequate screening from the east and south (along US-31 and M-119), that alternatives be provided in administrative review for adequate screening. 2<sup>nd</sup> by Radatovich.

**Roll Call:** Haven, Gunderson, Radatovich, Brown, Kargol

Yes: Haven, Gunderson, Radatovich, Brown, Kargol

Absent: Mays, Cyphert

**Passed**

**VII. Case PSPR22-003 JAR TAR Real Estate Dev LLC, SITE PLAN REVIEW, Car Detail Center, Kegomic Rd (north side- address TBD), Bear Creek Township**

Tammy Doernenburg gave a background to this case:

Doernenburg explained that this is 1.65 acres of graveled, vacant land. The surrounding uses are B-2 to the south and east, and vacant land to the north and west. The site plan dated April 13<sup>th</sup> was provided and the updated plan shows the vacuum bays. The access to the plan would be similar to where it is now. The proposed use is a new auto detailing center. The proposed building meets the setbacks. Doernenburg shared a question from absent commissioner Judy Mays, who asked about the 12x20 add on. Mays also asked if the sewer system can handle this project. Doernenburg clarified that the 12x20 space is a vehicle elevator. There are 20 parking spaces provided. The vacuum bays are the same as the car wash side. Lastly, she shared the renderings of the building.

The applicant addressed the Planning Commission in regards to this case:

Runion explained that the purpose of this project is to bring a full service car wash to the community. Leaving the car wash, there are vacuum bays. This back parcel serves as the detailing center, which will be multi-story. On the bottom floor are the bays where you pull up to have your car detailed (after your car wash). You will pull in and get out of your car and head upstairs to the mezzanine. There will be a comfort station provided while your car is being detailed. They will also offer a monthly membership for the member

lounge on the other side of the mezzanine. This area would have a place for people to relax. The top floor of the building would be a car museum, where people could show off their cars. Runion noted that this is not a car storage facility, more of a place for people to display their car. In the winter, half of the detailing bays would be used for self service vacuuming. The proposed pad in the back is for future development. This may turn into a place where people can clean their RVs and boats.

Kargol asked if the detailing center would be built at the same time as the car wash. Is there going to be a well onsite? Runion noted that the car wash and detail center would be built at the same time. He noted that there is capacity to drill a large enough well for the car wash. There will not be a high demand for water on the detail side. However, he can drill another well if needed on the detail side.

Haven asked Runion to address the pedestrian circulation situation. Runion clarified that there will not be any outdoor pedestrian access encouraged. People will pull into a detailing bay and head upstairs inside the building. And then in the vacuum area, people will stay inside the stalls.

Brown asked if a sidewalk would be required. Doernenburg noted that it is only required if there is a need for pedestrians outside.

Brown asked about the landscape plan. He asked if there will be elevation changes. Runion explained that the car wash is the main facility and will be well landscaped. This back lot has lots of natural coverage. The landscaper suggested for this back lot to let the existing things grow. The landscaping will be less elaborate for the detail side, with more native plants. There is lots of opportunity to use the existing site to fill. They will be moving dirt within the site.

Brown asked about semi-tuck traffic and deliveries. He wants to make sure there is the proper turning radius so that trucks will not be stacked along the road. Runion noted that deliveries will come on the detail side, not at the car wash. The storage room will be in the detail center. Most of the chemicals come in a boxed component. He noted that they may be able to schedule deliveries at a routine time.

#### Audience Comments:

Urman asked if this is a critical dune. Doernenburg clarified that it is not.

**Motion** by Kargol to **approve** Case #PSPR22-003, Joshua Runion for Jartar Real Estate Development LLC, for Site Plan Review – for a new auto detailing facility, on property located at 2745 Kegomic Road, Section 34, Bear Creek Township, tax parcel 24-01-16-34-100-010, as shown on the site plan and drainage plan dated Received April 19, 2022 because the standards of Articles 11, 20, and 22 have been met based on the facts presented in this case and on condition that any exterior lighting and signage be reviewed by the Zoning Administrator, a performance guarantee in the amount of \$42,000 be submitted prior to issuance of a zoning permit, and that no stack up of vehicles be allowed on Kegomic Rd. 2<sup>nd</sup> by Gunderson.

**Roll Call:** Gunderson, Radatovich, Brown, Kargol, Haven

Yes: Gunderson, Radatovich, Brown, Kargol, Haven

Absent: Cyphert, Mays

**Passed**

#### **VIII. Case PPTXT22-01 Consider Zoning Ordinance Amendment, Section 26.54.B.10, Mobile Homes as ADU**

Tammy Doernenburg gave a background to this case:

Doernenburg shared the current ADU standards. The two inquiries she has had thus far are for a mobile home to be used as an ADU, which is currently not allowed. The two requests so far would be for an elderly parent or child to live onsite. Her recommendation is that the words “mobile home” be removed from the ordinance, so that they could be used as an ADU, or you could also require it to be a new mobile home.

Brown asked if mobile homes were excluded as ADUs for a reason. He is supportive of ADUs, but sees them as more of a converted garage or an Amish style shed. He is hesitant about mobile homes because he wants to protect the character of Bear Creek. Is there a way to make them more visually acceptable? Doernenburg noted that building is at least two years out right now. The Amish sheds must be brought up to code for long term dwellings. There is a provision in the ADU language that the ADUs must be visually consistent with other things in the vicinity. That may help, but would not help if there were other mobile homes within the vicinity.

Haven is concerned if the mobile homes are up to a livable standard. He is in favor of personal property rights and feels it is acceptable for someone to put up a mobile home, just wants to make sure it is up to a safe living condition. Doernenburg noted that the minimum building code would still have to be met and the home would still have to be inspected by the building department. Keiser noted that the inspection would take place when you set the home. Any mobile home pre-1976 would not be acceptable for today’s standards. Once the home is inspected, you do not go back to reinspect it.

Brown wants to ensure that this will meet the aesthetic view of our community. He noted that there may be some instances where it does not meet that. Radatovich asked if there was a way to review these on a case by case basis. Doernenburg noted that these would be similar to administrative review, where if Doernenburg wanted to send it onto the Planning Commission, she could,

#### Audience Comments:

John Tillotson shared that his family is in this situation. He and his wife live next door to his sister-in-law. They would like to put a mobile home between their two homes to house his mother-in-law to be able to take care of her. The benefit of a mobile home is that when it is no longer needed, they can remove it. He does not feel this should be evaluated on a case by case basis, because it delays the process of ordering a mobile home. The current language in the ordinance discriminates against mobile homes. Unfortunately, he says “a few mobile homes will always be dumps” but the language shouldn’t discriminate because of those few.

Frank Daniels has a home and mobile home on his property. His daughter lives in the mobile home and they would like to put up another mobile home for his granddaughter. The price of property is so high.

Doernenburg shared that some of these cases meet every qualification for an ADU except for the fact that they want to use a mobile home.

Radatovich asked if these would be restricted from short-term rentals. Doernenburg clarified that the short-term rental regulations still stand.

Kargol noted that even a house can be dilapidated. The fact that it is a mobile home is not what necessarily makes it that way. Radatovich noted that at that point, it becomes more of a blight or property maintenance issue, whether it is a dilapidated house or mobile home.

**Motion** by Haven to recommended approval of PPTXT22-01 Zoning Ordinance Text Amendment to Section 26.54.B.10, Mobile Home as ADU. 2<sup>nd</sup> by Kargol.

**Roll Call:** Brown, Kargol, Haven, Gunderson, Radatovich

Yes: Brown, Kargol, Haven, Gunderson, Radatovich

Absent: Cyphert, Mays

**Passed**

#### **IX. Case PSPR21-009 Grand Management & Development, SITE PLAN REVIEW- Auto Parts Retail Establishment, US 131 Hwy- APPLICANT REQUESTED POSTPONEMENT**

No new information has been provided for this case in several months. Haven asked if we can remove it from the agenda. Doernenburg noted that we cannot remove it from the agenda, but we can act on it.

**Motion** by Haven to **deny** #PSPR21-009, for Jason Kishmish of Grand Management and Development for Site Plan Review – for a retail store, on property located on US-131 and Anderson Road, Section 18, Bear Creek Township, tax parcel 24-01-19-18-100-025, as shown on the site plan and drainage plan dated Received January 20, 2022 for the following reasons: failure to meet Section 20.05 site plan review standard paragraph B, that “Safe, convenient, uncontested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site.” This “safe, convenient, uncontested, and well-defined vehicular and pedestrian circulation for ingress/egress” has not been provided. In addition, failure to meet a satisfactory, safe, and legal easement for acceptable access to Anderson Rd. 2<sup>nd</sup> by Kargol.

**Roll Call:** Kargol, Haven, Gunderson, Radatovich, Brown

Yes: Kargol, Haven, Gunderson, Radatovich, Brown

Absent: Cyphert, Mays

**Passed**

#### **X. Public Comments:**

Andrea Jacobs is the new housing director. She is in support of eliminating the restrictions on mobile homes from a barrier reduction standpoint. She noted that multi-generational households have quadrupled, which helps to address child care needs, transportation and housing needs. Jacobs explained that she is hoping to host a special meeting on June 15<sup>th</sup> here at Bear Creek Township to discuss the Brownfield and TIF strategic tool. She would like us to define the spaces where we would like to see growth and map out utilities. This will help target those sites in advance for developers. Jacobs has an educational panel she would like to bring in (sponsored by Housing North) to address how this tool can be applied practically. Brownfield is an area that it would be valuable for us to become fluent in, because it can help us moving forward. Urban areas use this frequently, but it has been expanded to a more residential application.

Keiser noted that we need to get infrastructure to allow for developers to come in, and Brownfield or TIF is a tool to do that. We have parcels defined for development, but it is a heavy lift for a developer to get the necessary infrastructure.

#### **XI. Other Business:**

Administratively Approved Site Plans- American Spoon Foods- 1588 River Rd

Doernenburg shared that the plan is approved, and they got the permit today. The township representatives, fire chief, and road commission reviewed it. The plan meets all setbacks.

Shipping Containers- discussion

Doernenburg shared photos of shipping containers around the county, including one in Bliss Township that was approved for storage, but now has someone living in it. If you intend to use a shipping container as a dwelling, it has to be insulated and brought to code,

which is costly, so they are not as cheap as they appear. West Traverse Township has prohibited shipping containers to be used as storage. Currently our zoning allows for shipping containers.

Brown noted his concern based on a previous case where a shipping container is being used as screening. Doernenburg noted that the ordinance does not require screening from a building or structure.

Radatovich noted that shipping containers are already being used for housing in urban areas. It is only a matter of time before they make their way to northern Michigan. It is important that we get ahead of this and get some ground rules in the ordinance so we have a structure to lean on when they do come this way.

Brown feels that shipping containers do not bode well for the aesthetic of our community.

Haven shared his personal experience with shipping containers used for storage in Alaska. He is in favor of creative living and thinks a handy person could make one into a cabin or something similar. Reusing a shipping container is recycling a product.

Hilary Taylor noted that by the time you bring the shipping container to code, the cost is equal to a stick built.

Radatovich feels that shipping containers may have a place in some other areas, but it does not fit the aesthetic of our resort community. Can we at least start by adding into the ordinance that all shipping containers must be screened? In addition, if we allow shipping container storage or homes, someone may come to the Planning Commission and show a nice looking structure, and then put in a shipping container that does not look as nice. But technically, it would be a shipping container, which would meet the ordinance. It would be tough to enforce.

Keiser noted that these shipping container homes come ready and they just need to be set. Andrea Jacobs noted that these are structurally sound, but needed to be finished on the inside.

Doernenburg noted that these shipping container homes have to be engineered. Permanent dwellings must be 560 sq ft in the ordinance, but there is a provision that cabins, cottages, etc are not bound by that. ADUs are also allowed to be less than that. Doernenburg is not prepared to write up language for shipping containers at this time.

Radatovich suggested looking at it from a zoning perspective. Perhaps shipping containers could be allowed in industrial but not in residential zones.

#### Skyline Drive

Doernenburg shared an email from a resident of Skyline Drive, who suggested we change the required minimum of 2 acres for chickens.

**XII. Next Meeting:** May 25, 2022 at 6:30pm

**XIII. Adjournment:** 9:37p.m.

Respectfully Submitted,

*Emma Radatovich*

Emma Radatovich, Bear Creek Township Clerk

Jim Kargol, Recording Secretary