

## Bear Creek Township Planning Commission Meeting May 25, 2022

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

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

a. Staff in Attendance: Tammy Doernenburg, Hillary Taylor

**III. Pledge of Allegiance**

**IV. Approval of Minutes**

**Motion** by Cyphert to approve the minutes of the April 27, 2022 meeting. 2<sup>nd</sup> by Haven.

**Passed**

**V. Case PPUDF22-01 Michael McGrath, PRELIMINARY PLANNED UNIT DEVELOPMENT- Amendment/ FINAL PLANNED UNIT DEVELOPMENT/SITE PLAN REVIEW, 1950 US 131 Hwy**

Tammy Doernenburg gave a background to this case:

Doernenburg shared the RG Properties PUD from the original developer. Walmart is located within this PUD and it goes north to the movie theater. It includes the retail spaces along Anderson Rd as well as the Applebees, former Pizza Hut, Bob Evans and office spaces. The originally allowed uses were retail and uses consistent with R-2 zoning, which includes offices. The original proposal for the preliminary PUD amendment would be to allow a car wash on this site within the PUD. There are two accesses, including a shared access between Applebees and this site. There is a Lears Rd access and Plaza Dr access. There are no changes proposed from the public road so road commission approval was not necessary. Doernenburg showed the required 100ft setback from the road right of way. There is another property between this site and Lears Road that is owned by the Little Traverse Bay Band of Odawa Indians Tribal Trust. That piece is part of the original PUD that is not subject to local zoning. The proposal is three parts: first the preliminary PUD amendment to allow for the use of a car wash, and secondly, the final PUD and site plan review, to allow them to move forward. On this site, they have eliminated the southerly access and will be using the shared access. Once you are in the site, it will be a one way down to the south towards the entrance to the car wash and then exit out along the east side to the north. Then to exit the property or exit into a covered vacuum station. Doernenburg showed where the building would be for the vacuum mechanical equipment. There will also be an office attached to the car wash. Snow storage is proposed in the setbacks, which is allowable. There are trees identified on this site plan, but we need to clarify if they are to be retained or removed. The building meets the height restrictions of the ordinance. The dumpster is screened as required by the ordinance and has pedestrian access along the side. There will be a single canopy to the north and double canopy to the south for the vacuum stations. The PUD was originally established in 1994 and was amended in 2000, 2008 and 2020. Those amendments were to change the uses in each case. The entire PUD is 6 parcels and 83 acres total. The preliminary PUD amendment requires approval by the Emmet County Board of Commissioners. The parking includes stacking spaces along the west side of the site. The site is proposed to be served by sanitary sewer and city water. The sign and lighting will be reviewed at a later time by the zoning administrator. The fire department has no concerns. There is a shared sign for Applebees that this user can share. This is a three part proposal. If the Planning Commission deems the use appropriate, then it can move onto final PUD and site plan review.

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

Kayleigh Bevington from Bohler is here to represent the applicant. She is the project manager and engineering consultant on this project. Tidal Wave Auto Spa started in Georgia and now has over 100 operating locations. They are doing a large expansion at this time, and Bevington is handling all new sites in Michigan, Ohio, and Western Pennsylvania. Tidal Wave is a recognized leader in the car wash market. The buildings are designed to be attractive sites that add value to the community. Typically, they generate 500 customers a day and they have set up the site based on their experience in running these car washes. The applicant likes to control the traffic on the site, which is why they have set up the one way system, both for safety and ease of use. About 65% of their customers end up with a subscription to the service, but one time customers are welcomed as well. The pay system will utilize plate readers or barcodes so that a subscription customer can drive through. The car wash is staffed when open. A car would go through the wash and then can use the free vacuums after. Bevington clarified that the exit is a one way.

Audience Comments: None

Board Discussion:

Haven feels this is a great location and appropriate use.

Cyphert asked how many potential employees would be on site. Bevington noted that there are typically 15 employees total with 4-5 on a shift at a time.

Mays is glad to see this site getting redeveloped. She is not opposed to a car wash use there.

Brown feels this will be an appropriate use for the site.

**PRELIMINARY PUD AMENDMENT MOTION:**

**Motion** by Haven to recommend approval PPUDF22-01, Michael McGrath for New Potato Creek Holding, LLC, for a Preliminary Planned Unit Development amendment on property located at 1950 US 131 Highway, Section 7, Bear Creek Township, tax parcel 24-

01-19-07-300-049, to add a carwash as shown on the PUD Amendment Site Plan Documents dated Apr 7 2022 because the standards for the PUD have been met based on the uses in the vicinity, the changes in the vicinity since the original PUD was approved and subsequently amended, all other PUD standards remain in place based on the signed 2008 PUD agreement and 2020 PUD Amendments. 2<sup>nd</sup> by Cyphert.

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

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

**Passed**

The board then discussed the second portion of this case, the Final PUD and Site Plan Review:

Board Questions to Applicant:

Mays asked if there will be directional signage? Will people have room to back out of vacuum stalls? Bevington clarified that the vacuums will be two way so there will be room to back out.

Brown clarified that the exit is a one way only. Bevington concurred.

Gunderson asked if someone could utilize the vacuums without the car wash. Bevington noted that they do not encourage that.

Brown asked how many cars can stack in the lanes. If they backed up, would the line spill into the entryway? What is the wait time during a backup? Brown asked the hours of operation and asked how deliveries are handled. Bevington noted that 5-6 can stack in each lane and they run bumper to bumper through the wash. With over 100 sites, Tidal Wave can estimate an appropriate stacking lane for the community. They thought this was appropriate for this area. This orientation of the site is what works well for them. Bevington is not sure of the wait time but can find out. The equipment inside the wash can handle up to 1000 cars per day, so they move fairly quickly through the wash. The hours of operation will likely be 8am-8pm. Deliveries happen once a week by box truck, during non-peak hours (likely in the morning).

Cyphert asked the intention of the existing trees, and if the applicant would be willing to share a sign on 131. Bevington clarified that they are not planning to remove any trees and they are planning to share the sign with Applebees. Brown asked if the trees in the snow storage area would remain as well. Bevington remarked again that they are not planning to remove trees.

Mays asked if there is a way to get out of the car wash line in case of emergency. Bevington noted that there is not; you would have to go through the car wash to exit the site. The site was designed like that for traffic control purposes.

Brown asked if the elevations are consistent with what is present now? He asked why the dumpster was placed there and if there is enough swing space for a truck. Could the dumpster be moved by the canopy? Brown asked for details on the landscaping plan. He asked if the buildings, signage, etc is subject to change? Bevington noted that the grading will stay the same. She explained that the dumpster location was placed on that side of the site because they could not meet setbacks if they did it on the other side. Trash will be picked up at non-peak times and they will make sure the truck can get in and out. Tidal Wave was confident that this was a location that would work for the dumpster. They do not want to put the dumpster by the canopy because of potential canopy damage. In regards to landscaping, Bevington noted that they will be keeping the same greenspace as Pizza Hut. It is a standard landscaping plan that meets the standards of the ordinance. As far as the building and signage goes, the signage would be modified to meet the ordinance, but all sites they develop have the same building look.

Radatovich noted that this is a model that has worked successfully for this business at 100 other sites, so we can be fairly confident that this is going to be a model that works for our community.

Brown was concerned that there were no site specific renderings. Doernenburg noted that it is an attractive building with character. Bevington explained that the bottom of the building will be grey stone, then windows all the way up. The roof is tidal wave blue.

Audience Comments:

Tom Urman suggested that trees or shrubbery be added on the south side of the building. The building itself looks like it is going to fit the character of the area well. He noted that there is a lot of roofline and we should break it up with some evergreens.

Traven Michaels asked what is done with the wastewater. Bevington clarified that they have a system to reuse as much water as possible.

Donna Lively noted that when she was down south, she saw car washes similar to this and they were clean sites that were attractive and added to the community.

Bevington asked for clarification that Urman was asking for trees between Lears Rd and the building. Urman confirmed.

Board Discussion:

Cyphert feels the stacked stone and blue is a nice look. The rendering does have trees and he agrees that we should add trees along the south side.

Brown would have liked to see the landscape plan earlier. Does the site meet the minimum trees right now? Doernenburg clarified that the existing trees are more than the minimum.

Radatovich asked if we can require them to add trees along the south since they already meet the minimum. Doernenburg noted that we could ask. Bevington feels they could work with the Planning Commission on adding landscaping, but want to make sure they don't completely shield the building.

Keiser thinks it should be a set number of trees, rather than a range.

#### **FINAL PUD and SITE PLAN REVIEW MOTION:**

**Motion** by Radatovich to conditionally approve PPUDF22-01, Michael McGrath for New Potato Creek Holding, LLC, for a Final Planned Unit Development and Site Plan amendment on property located at 1950 US 131 Highway, Section 7, Bear Creek Township, tax parcel 24-01-19-07-300-049, to add a carwash as shown on the PUD Amendment Site Plan Documents dated Apr 07 2022 on condition that the Preliminary PUD Amendment is adopted by the Board of Commissioners, that the signs and exterior lighting be reviewed by the Zoning Administrator prior installation, that the trees remain as shown on the site plan and that the performance guarantee in the amount of \$29,550 be submitted prior the zoning permit being issued. Approval is because the standards for the PUD have been met, the standards of Article 17 and 20 of the Emmet County Zoning Ordinance have been met based on the facts presented in the case. And in addition: that existing trees be maintained on the site and that 8 trees (adequately spaced for growth) be added on the site along the south side (type of trees to be consistent with the rest of the landscaping plan). Height to be consistent with other new trees. 2<sup>nd</sup> by Mays.

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

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

**Passed**

#### **VI. Case PSUP22-08 Traven Michaels, SPECIAL USE PERMIT- Home Occupation- one camp site, 2592 Bellmer Rd**

Tammy Doernenburg gave a background to this case:

Doernenburg explained that this site is adjacent to the property that abuts Bellmer Rd. The site is accessed through an easement. On site is a house that the applicant lives in, as well as another structure. The request is for a home occupation for one camp site. The property is zoned FF-1 and is 13.41 acres. The campsite area is about 0.15 acres. The request is to use a portion of the property for their business. Quiet time is proposed from 11pm-7am and it is not designated how many vehicle trips per day. A 2 sq ft sign would be allowed. The proposal is to use the existing driveway, however, Emmet County Road Commission has indicated that they have a sight distance requirement and this drive does not meet the standard. The fire chief has reviewed and noted that the access would have to maintain a minimum of 20ft if more than one campsite is allowed. In addition, the driveway will have to have a 75,000lb load carrying capacity. The campsite meets all the setback requirements. The request is for a special use permit for a home occupation for one campsite. We are seeing this case as a result of an enforcement issue, as the owner was operating this last summer.

Mays asked if this use qualifies as a home occupation. Doernenburg clarified that it does, because it is a business within a property where the land owner lives.

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

Traven Michaels is the owner of this parcel. He explained that they started this as a way to make some additional income over the summer and to promote the enjoyment of our area. This is more of a private camping experience rather than being in a busy campground. They have a beautiful field there with wildlife. He is using the HipCamp site to advertise this, which is like Airbnb for camping. They started this last summer not knowing they needed a special use permit. They have had great reviews on HipCamp and have a strict "leave no trace" policy. They haven't had a negative experience yet.

Mays asked what was provided for bathrooms- what do people use if they are tenting? She asked if they are planning to extend beyond one campsite.

Michaels noted that most of the people come with an RV and use that for bathrooms. They do not have anything set up for people who tent. There was an old outhouse on the property when they bought it- Michaels suggested using that for tenters. At this point, they are only planning for one campsite.

Cyphert is concerned about the driveway and fire access. Fire pits can get out of hand and grass fires can start. We need to make sure the drive is wide enough for trucks to get back there. Cyphert asked about the visibility of the driveway. What is the solution?

Michaels noted that he is unaware of the 75,000lb requirement and is not sure how much a gravel driveway can support. He will need to do further research with the fire dept on that issue. He is willing to work with the fire department. Michaels noted that they bought the home as is with the driveway already in place. When you leave the property, there is a blind spot about 200ft to the left. Keiser explained that when the original driveway (now the neighbor's driveway) was first put in, this was one parcel. When the parcel was

split, they wanted the back house to have its own easement. The easement now is for a single family dwelling. When you go to commercial, you need an additional 100ft of sight distance.

Radatovich is unsure if we can even approve it without an acceptable driveway. Michaels asked if he can just tell campers to exercise caution coming out of the site. Brown noted that it is black and white. Because this is a commercial use, it has to meet those standards by the road commission. Could we postpone the case to give the applicant time to work with the road commission?

Haven asked if the neighbors were upset last year. Michaels noted that they had a small sign under their mailbox, and he thinks that may be how it was reported.

Cyphert noted that he feels uncomfortable approving this case without the road issue worked out.

#### Audience Comments:

Abby Badgley is a relator and explained that a lot of developers ask her about using HipCamp. Is this a use that is denied completed by the county or has it not been addressed? HipCamp is becoming very popular.

Joe Hoffman is very concerned about the sanitation issue and thinks the Health Department needs to get involved. He is concerned about the use of a rustic outhouse. In addition, do we want this use on this piece of property?

Tom Urman is concerned about sanitation issue as well. He noted that campgrounds are regulated differently.

#### Applicant Rebuttal:

Michaels asked if a port-a-potty would satisfy the sanitation issue. Doernenburg noted that that is regulated by the health department.

#### Board Discussion:

Cyphert feels there is a lot of research that needs to be done by the applicant, in regards to the health department, road commission, contractor (in case you need to change the driveway), overhanging trees on the driveway as well as the capacity to handle a fire truck.

Doernenburg clarified that HipCamp is not a permitted use in Emmet County without a special use permit. Once a site has at least 5 campsites, the state regulations come into play for campground requirements.

Radatovich feels we need a letter from the health department stating that they have reviewed and approved the use.

Mays feels this is far from a home occupation and should be limited to one campsite.

Haven is concerned about the dangers of the driveway. Residential and commercial driveways have different standards. Michaels noted that he reached out to the neighbors about their driveway but it never went anywhere.

**Motion** by Radatovich to postpone PSUP22-008, Traven Michaels, Special Use Permit for a Home Occupation to operate a campground business with one camp site at 2592 Bellmer Rd, Section 24, Bear Creek Township as outlined in the Home Occupation Use Plan dated April 21, 2022 and as shown on the site plan dated April 21, 2022 to give the applicant time to provide the following details: to work with the road commission to find an acceptable location for a driveway, to get a letter of approval from the health department (regarding sanitation), and to ensure that the driveway meets the fire department standards. 2<sup>nd</sup> by Haven.

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

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

**Passed**

#### **VII. Case PPUDF22-02 Alexander Petoskey LLC, PLANNED UNIT DEVELOPMENT RESIDENTIAL OVERLAY- Final Plan Review, 1515 Atkins Rd**

Tammy Doernenburg gave a background to this case:

Doernenburg noted that the Planning Commission has seen this case for several months. This parcel is located on the north side of Atkins Rd, west of McDougal Rd, without access onto McDougal. The parcel is zoned R-1 with a PUD-RO overlay. Adjacent uses include single family dwellings to the south, east and west and public school property on the north (and a little bit to the east and west as well). The parcel is 9.94 acres. The proposal is for 156 multi-family units and was originally approved for up to 180 units. The request today is for the Final PUD-RO. The plan is consistent with the number of buildings. The four buildings to the south, east and west are two story and the two to the north are three story. Final PUD review does require township approval before it can move onto the county planning commission. Access is via Atkins Rd and there are two accesses proposed, both approved by the road commission. The road commission approved the drainage plan and it also meets Emmet County standards. A landscape plan has been received and both planning commissions indicated that they wanted to see extensive landscaping. Our ordinance requires 1 tree per 10 parking spaces; there are 269 spaces proposed so 27 trees would be required. There are 32 large canopy trees provided. The landscaping plan exceeds the standards of the ordinance. There are 20 three inch caliper trees (where 2.5" are required). There are over 80 trees proposed on this site. Lighting plans have been provided and this does meet the full cutoff lighting requirements. The photometric information is provided and will meet at the property lines. Doernenburg shared the materials that the buildings would be made from, as well as the renderings of the two and three story buildings. The clubhouse and maintenance building meet standards for height as

well. The dumpster enclosure is concrete as required. The parking was approved, some spaces at 9.5x20ft and some at 10x20ft. Doernenburg shared a letter of concern from Sally Lydy, whose main concerns were traffic, density, and commercial uses within the development. The fire department has reviewed and provided comments for the plan. Snow management has been provided and is shown on the site. Practically speaking, there may be times where there is too much snow and it will have to be removed from the site. This site is proposed to be served by sanitary sewer and city water. Driveway and parking are proposed to be paved. We received a sealed drainage plan but not the estimated cost from the engineer. That amount will be required to make sure that the drainage is installed correctly according to plan. There are raised garden beds proposed and three dumpster locations. During the preliminary phase, setbacks were modified, and the final plan meets the modified setbacks.

Radatovich asked if we can require them to maintain their portion of the sidewalk in the winter? Keiser noted that on McDougal, the school agreed (years ago) that they would maintain the McDougal sidewalk if the connector was ever made.

Cyphert asked about snow storage. Brown noted that it meets snow storage, but whether it works logistically (location wise) is another story. Radatovich asked if the snow was not manageable on site, if they would have to remove the snow? Doernenburg noted that they have extra parking that could be used for snow storage as well. In addition, we need to ensure that snow storage height is acceptable and not hazardous.

Haven asked if the school easements have been approved. Doernenburg noted that the grading easement from the school is provided but not signed.

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

Jeff Anneke with DBS group is present to answer any questions. They are on pace to move dirt in June.

Mays asked if they would consider adding a recycling unit. Anneke noted that they want to encourage recycling and there is room for containers there.

Brown asked about snow storage between parking spaces. If the parking lot is full, how can you get snow in that bank? In addition, how will the plants stay alive with the salt and snow. Anneke explained that they can maximize the proposed snow storage. With the surplus of parking, they can add snow overflow there. There are canopy trees proposed in the islands between parking.

Radatovich asked what the plan is for irrigation. How are they planning to keep the plants alive and the grass green? Anneke stated that they have "\$15,000 per year budgeted for landscaping". They are planning to have full-time staff do the landscaping.

Mays asked if they would consider adding irrigation. Anneke noted that irrigation systems are sometimes not utilized. Their commitment is to keep a nice looking property.

Brown noted that if the trees die, they would be required to replace them. How would they replace the existing size? He is looking for consistency. Would it be more economically feasible to put the irrigation in up front? You could have an underground sprinkler system to maintain the lawn. Anneke noted that their goal is to take care of the property and are committed to making it look nice. As far as the budget goes, they are already overbudget on this project and are carrying a lot of extras. They feel that the annual landscaping budget will cover this. At this point, he is not willing to put in an irrigation system. Dylan Borland stated that he is a "big homesteader" and "big tree hugger". He loves to garden. From an operational standpoint, the problem with an irrigation system is the ongoing cost. The amount of water consumption for irrigation is unnecessary from an environmental standpoint. Out of the properties that they own that have irrigation, they shut off the system on 90% of those properties. The cost to put the system in is nominal, but the cost to operate it is a lot. It doesn't come down to whether there is an irrigation system or not, it comes down to ownership. They really need to make this project feasible from a cost standpoint. The taxes alone for this project are massive. An irrigation system would cost them \$30,000 a year.

Brown noted that the Planning Commission has worked with the developer to make this economical. We have given allowances, such as increased density. In the past, Borland has expressed that he is big on community aesthetics, so Brown figured this irrigation would be a given. Borland feels he is going above and beyond for aesthetics. If he thought the property would be degrading to the community without irrigation, then he would put it in, but at this point, he is "willing to take the risk". He stated that he wants to make this look nice and if this tends to be an issue down the road, he will address it. From his experience, whether the property has an irrigation system or not, the lawn will look the same. In his opinion, there would be a massive amount of waste to keep the grass green.

Radatovich feels that the Planning Commission has done their part in the give and take. We have given on height, density, and setbacks. Irrigation is an area where the developer can give. Lawn maintenance is important to make sure that no matter who owns this property in the future, it will be maintained. It is important that this be well kept to protect the neighboring property values.

Brown asked about the status of the sewer. Would the houses across the street convert over? Scott Roltgan, from Excel Engineering, noted that there will be stubs out. Mays noted that those houses currently have city water but not township sewer.

Brown asked in the interest of community spirit, would the developer be willing to extend their sidewalk to the city sidewalk? It is about a 200ft stretch. Anneke noted that they would be willing to continue an 8ft path to where the city sidewalk is. However, they would like to have a \$10,000 cap on that extension. In case they have to repair lawns, curb and gutter, etc. then they would like to have a monetary cap and someone else would have to pick the remainder up (township, property owner, etc). They are changing the grading plan to accommodate the path. Keiser noted that in this case, the township board will likely send the plan back to the planning commission to work out the details. The irrigation system is huge and we also need to figure out the sidewalk. It is not fair to the property owner to put in the sidewalk and not put the property back to the same condition. Keiser noted if you tear up someone's lawn or driveway, you have to put it back. In addition, if there is a small gravel strip between the sidewalk and the road that will probably need to be paved. Anneke stated that if it is as simple as extending the 8ft path, then yes "we will do it" and "yes, we will clean up somebody's lawn". He wants to limit it to the cost of installation of the connection of the sidewalk. Mays asked if you can go up to the paved driveway and then start again on the other side. Anneke said that if they can make it match, then they are happy to do it.

Mays asked if the easements have been signed. Doernenburg noted that they were drafts. Anneke noted that they are planned to be signed tomorrow.

Mays asked if the short term rentals are still planned. She asked if the public utilities are okay. Did we receive the public impact statement? In addition, she asked about the parking. Anneke noted there will be ten short term rental units. Keiser confirmed that we are still waiting on the sewer study but are okay with sewer on Bear Creek's end. Doernenburg noted that she sent the impact statement to the school but has not heard back. In regards to parking, Anneke noted that there are 45 or so parking spaces that are 10ft and are reserved. The rest are 9.5ft.

Cyphert noted that there are state and federal monies available for affordable housing. Have they applied for funding? Are they planning to? What will the rent rates be? Borland responded that they have not applied for funding and are not planning to. He stated that "this is not an affordable housing project." He also stated that "rent will be \$900-1600 per month, but that is two years from now, so it could be a lot higher or a lot lower". Doernenburg noted that the funding that is available is mostly awarded to urban areas and it is very difficult to get that money for small communities.

Cyphert noted that the fire department has a number of requirements; are they willing to comply? Scott Roltgan noted that they are willing to meet fire department standards.

#### Audience Comments:

Matt Koontz is the neighbor who lives across from the project. He noted that he does not have a sprinkler system and neither do his neighbors. This has not been an issue for them and he does not see the need for irrigation for this project, as long as they take care of everything. As a homeowner in the area, he walks a lot and thinks the path across the street would be nice and would be a lot safer than walking in oncoming traffic. As a teacher at the high school, he noted that many new teachers cannot find housing. This is a good project and he feels we need to approve it.

Andrea Jacobs, the Emmet County Housing Director, spoke about the affordability of this project. According to MISHDA standards, based on median incomes for this area, an "affordable" unit in this area is considered \$1100 for a one bedroom apartment, \$1400 for a two bed and \$1600 for a three bed. So technically, this project would count as affordable housing.

Pauline Boulton is a neighbor who is currently working on getting a permit for a drain field. She is wondering if she should get the drain field, or would she be required to tap into sewer here? Mays asked if residents would be required to tap into sewer. Keiser clarified that a resident would not be required to tap in until there is a change of use or a septic failure, then they would have to tap in. It is important to get the laterals across the road now.

Craig Lively asked if those rental rates include utilities.

Sarah Koetje from the Little Traverse Conservancy noted that there is a really invasive plant currently growing on this site called Japanese Knotweed. This plant destroys foundations of any type. The roots are very deep and the soil cannot be displaced, because it causes huge damage to homes. This is a major issue that has to be addressed before groundbreaking.

Dick Oelke, a neighbor, is concerned about density. He noted that the surrounding City of Petoskey density is approximately 1.6 units per acre, where this project is 16 units per acre. You would have the same number of homes on this piece as you would have in 100 acres of city. He is also very concerned about drainage problems in the southeast corner. This area gets flooded out when things fill up on Foster's property. In regards to snow storage, the wind there is strong and you will have tremendous drifting. He is very concerned about drainage issues impacting the neighbors. In addition, he is concerned about the location of the snow storage. Getting snow into these small areas doesn't seem feasible. He is disappointed that the setbacks were reduced. In addition, when you increase density, you increase crime. He is concerned about crime, as there are other apartment complexes in the area that have a higher crime rate.

Joe Hoffman noted that the 20ft setback on the school side bothers him; he feels we should have stayed with more setback. In addition, we are discussing giving up some parking for snow removal. He was in favor of more 10ft parking throughout the site. He thinks there should be irrigation, at least along Atkins Rd. Commercial sites usually have irrigation. You would not want a brown lawn there.

Pauline Boulton agreed that the drainage in the area is bad, and her basement gets flooded. In addition, when the culverts get full, it is like a stream. It is very windy there.

Donna Lively asked if there is a turn lane for the development? This is a very busy intersection, and to add 150 families is a lot of traffic. The islands already restrict the traffic flow through there.

Abby Badgley noted that this is her neighborhood, but she also understands the housing need in the area. She stated that she was here at the Planning Commission meeting the night this idea was pitched. She recalled that at the time, Borland stated that he was going to hire local workers and team up with the high school and college. She also noted that he suggested using the silo as the clubhouse and have commercial spaces be local farm markets. Now, she feels it is getting much more commercialized. She really appreciates the sidewalks along Atkins. In regards to traffic, she noted it took her six minutes to pull out of her driveway this morning (and that's without an extra 150 cars). She is not sure how the road is going to handle all that traffic. She agreed that it is the same amount of density in that 9 acre piece as there are homes in 7-8 blocks of the city. She really hopes they will follow through with the landscaping, because she feels he pitched a different idea and concept. She noted that even though they are on a budget, they also chose this parcel and this project. She understands the need for housing and thanked the Planning Commission for trying to uphold the integrity of the neighborhood. We need to keep this a safe neighborhood because this is where the schools and sporting events are.

Craig Lively asked if there is a storm water runoff plan.

Nikki Devitt from the Little Traverse Bay Housing Partnership and Chamber of Commerce, is thankful for this discussion and noted that housing needs cannot be emphasized enough. This is a big undertaking but the need is greater than people understand. She gets calls daily from businesses who are losing employees because they cannot find housing.

Tom Urman feels that the Planning Commission needs to address the irrigation issue. It is not only a concern of brown lawns, but also shrubbery that needs watering. On the snow storage plan, there are trees in that area and shrubs on the endcaps. Trees have a tough time growing in islands, but ones that are irrigated are growing. In regards to sewer, we haven't received the city study back yet. Storm water retention has been addressed, there are retention ponds. However, the storm water plans tie up those ponds to the south side of the property. He is concerned about water going across the road to neighbor's homes. There is a lot of hard surface on this site. He understands the need for affordable housing, but we need sidewalks and curbing to tie the neighborhood together. If you have an 8ft path plus gravel, it will be a mess. It needs to be paved to the road. He is concerned about the setbacks and is not in favor of the 20ft setback. He noted the dumpster location and concerns for fire department not being able to get around the dumpster. They can get around one side but if they need to get to the back side, the dumpster would be in the way. He also wants to make sure none of the trees in the landscape plan are in the fire department's way. He is concerned about safety in the ponds with children playing and feels there needs to be a fence.

Sally Lydy stated this sounds like a nice housing complex, but asked as a township, if we are looking at this area becoming high-density residential. She is also concerned about non-residential uses of facilities. Are we setting a precedence for commercial/retail uses to be mixed into this area?

Abby Badgley asked if it would be a sidewalk or if the shoulder of the road is just being paved.

Matt Koontz noted that high density housing close to town (with retail mixed in) sounds like a good plan to him.

#### Applicant Rebuttal:

Anneke noted consistent comments about drainage in the southeast corner. Before they even purchased this site, they heard about potential water problems. The Geotech soil borings identified the water problem and through planning and engineering they have fixed the problem and made a better solution. With three ponds, this will slow the water down, and the ponds will drain within 24 hours of a rain event. The ponds will be green for the most part, with vegetation in the bottom and will remain fully mowed. They also over excavated these ponds by 4ft. The road commission reviewed and approved the drainage plan, and he feels they have solved the water problem on that corner.

Scott Roltgan noted that there is lots of sand on the site and the plan has four areas of retention, each that slows down the flow to the Atkins culvert. With the proposed changes, the culvert at Atkins will now handle up to a 50 year event, where before it was handling up to a 10 year event. They feel that the whole system is improving.

Anneke feels that they can put in an 8ft asphalt path.

Roltgan noted that they are not aware of the Japanese Knotweed situation. As far as the school property goes, they will be raising up and improving that area as well. In regards to parking, a 9.5ft wide stall is significantly wide, as 9x18ft stalls are common. The township requires 10x20ft. In regards to irrigation, is it common for developments around here to have that?

Brown noted that the main concern is that the property is maintained. Four out of the five township board members are present tonight and have spoken in support of irrigation.

Anneke noted that they do have deceleration lanes and have worked with the road commission to make it safer to enter and exit this property.

Roltgan noted that the road commission was in support of the storm water drainage plan.

#### Board Discussion:

Haven noted that he has never had an irrigation system, and his lawn typically goes dormant for a few weeks. He feels it is a waste of resources. And doesn't think anyone should be forced to put in an irrigation system. If the trees do not grow well in the islands, they will be forced to replace them. If the site looks terrible, no one will rent there. We have to go back to the standards of the ordinance and what is required. In regards to setback concerns, there is a buffer from the school and we allowed lower setbacks because it was against a field. The high-density issue is a double edged sword. No one wants to live across from an apartment complex, but we need the housing. He feels this project has been a good give and take. This is one of the areas in the master plan that is designated for high-density residential.

Cyphert noted that our community desperately needs these apartment buildings. We need workforce housing. In regards to the sprinkler system, he doesn't use one and his grass is green. He noted that he understands the needs for the plants and if they die, they are not likely to get tenants. He would like to see more snow storage but is not sure where you would put it.

Radatovich feels strongly that it needs to be irrigated, but noted that it is not a requirement of the ordinance, so we really can't require it. We will have to approve it based on if they meet the standards of the ordinance.

Brown wants to see this project move forward. We will do our best to meet the wants and needs of the community.

**Motion** by Mays to approve Case #PPUDF22-002, Alexander Petoskey LLC for Final Planned Unit Development Residential Overlay and Site Plan Review – for 10 buildings (156 units in 6 buildings; clubhouse; maintenance building, 2 storage buildings), on property located at 1515 Atkins Rd., Section 5, Bear Creek Township, tax parcel 24-01- 19-05-400-002, as shown on the site plan packet (including the site plan, elevation plans, drainage plan, and application forms) dated Received May 11, 2022. Approval is based on the facts presented in this case and because the plan is consistent with the preliminary PUD-RO approved by the Emmet County Planning Commission and meets the standards of Articles 16 and 20. Approval is on condition that the signage and exterior lighting be reviewed by the Zoning Administrator prior installation, the standards of the Fire Department be met (per letter dated May 17, 2022), the water and sewer standards of the City of Petoskey and Bear Creek Township (as applicable) be met, the standards of the Emmet County Road Commission be met, a maximum of 10-units may be used for rentals of less than 30-days (short term rentals), a performance guarantee in the amount (to be provided by the engineer) be submitted prior issuance of a zoning permit to ensure the drainage plan is built as designed and additional conditions: that recycling units be provided to tenants, that snow storage should not exceed 2ft height at entrance of property (for safety) and should not exceed 4ft height between parked cars (island areas) (snow to be hauled if it exceeds height restrictions), that the applicant extend the path from their development to the city sidewalk, that the applicant maintain their portion of the sidewalk, and if the retention ponds retain water that they should be fenced for safety. 2<sup>nd</sup> by Cyphert.

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

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

**Passed**

*Brief recess from 9:36-9:42pm*

#### **VIII. Case PSPR22-004 Phillip & Kristin Schaner, SITE PLAN REVIEW- Amendment- Hotel/Motel, 1256 Pirate's Way**

Tammy Doernenburg gave a background to this case:

Doernenburg noted that this site has been reviewed multiple times. It is located behind Culvers and is accessed off of a private road (it used to be a public road but never was built). The first plan was for the lodge, a dwelling, and individual units. It was then amended for duplex units. This new plan is proposing 20 units within 7 buildings plus the lodge/common area/residence. The access would come from the north and west. It would come through Pirate's Cove and cross the Culvers property. People will park, check in, and go to their units on foot. The property is zoned R-2 and this is a special land use. The height standards of the building are all met and the lodge itself is not changing, so the zoning permit for that has already been issued. The applicant is changing the design of the duplexes, so this is a site plan amendment. There is an easement that comes in from US 31 Hwy. Doernenburg showed the renderings of the different units and the pavilion, all of which meets the height standards. The plan was amended in 2019 to go from ten units to 6 duplexes. The proposal today is to increase to 7 structures, which totals 20 units (and to retain the lodge). The site plan has the Tannery Creek running through it and they are not planning to build in the flood plain. The site is partially wooded. The setback standards are

all met including the 60ft waterfront setback on the river. Parking standards require one parking space per each sleeping room, plus one per each 150 sq ft of meeting area or restaurant space. The required parking for this site is 2 for the dwelling units plus one for each sleeping room (in some structures), plus one per each 150 sq ft of meeting area. There is a space for a kitchen with a pizza oven. There are also bike parking spaces. The fence is shown on the east and south of the property. The dumpster is screened and covered. No structures have been started yet. All setbacks are maintained. The sealed drainage plan was received Monday.

Brown asked about the redesign of the one cabin- is that due to the floodplain? Doernenburg noted that the drain commissioner reviewed the previous plans.

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

Kristen Schaner noted that they originally had 10 units, and then moved to 6 duplexes, and now have changes to 20 units in 7 buildings. She is looking forward to hearing the board input.

Phil Schaner noted that there is not an issue with the creek or the setback (for that one cabin), the design plan just changed. In regards to parking, they have a 300 sq ft meeting room inside the clubhouse, which would take two parking spaces. They are not a restaurant, and have a commercial kitchen only to be used by guests staying in one of the units.

Radatovich asked if outside public would be allowed to rent the meeting room. Schaner noted that that was not the intention. The intention is for lodgers use only. Mays asked if these are going to be short term rentals. Are there any additional spaces for parking? Schaner noted that short-term rentals are the intention, however, there are a few units with a kitchen and washer/dryer if someone needed to stay for a longer period of time. There is nowhere else to put parking, but they do have a great working relationship with the neighboring businesses that could potentially house overflow.

Brown asked if the facility would be open year round. In addition, is there enough snow storage? Schaner noted that it will be a year round facility and Doernenburg clarified that there is enough snow storage on site.

Mays made note of the tree in unit 20 on the site plan. Schaner noted that there are two trees on the lot that will be removed. In the long term, when the project is complete, there will be many more trees on the lot than when they started.

Cyphert noted that in the original plans, the buildings were stick built. However, the proposed are metal shipping containers. Schaner explained that the cost of building has been escalating. The container unit trend is spreading across the county. These containers are economical and green (you are recycling steel). There are manufacturers that build these in a controlled environment and the waste is minimized. They can be built to meet building department requirements. The interior can be finished out nicely. Although these often have a negative connotation, times have changed.

Mays asked if the containers are put on a slab. Schaner is working with the building department on that. Mays asked if shipping containers are in the ordinance. Doernenburg noted that they simply have to meet building code. Mays asked about water and sewer. Schaner noted that they will be on township sewer and will have a well. Each pod will have a different layout.

Brown asked if these are ready to go when they are set. What is the timeframe on the project? Schaner explained that the site work is done ahead of time, and when they come in, some connections have to take place. These can be 20 or 40 ft long. They are hoping to start the project this year so it is ready to open by next summer.

Mays asked if the clubhouse will be stick built. Schaner explained that it is made of insulated panels that come in.

Radatovich asked if there are shared amenities between the units (two bedrooms sharing one kitchenette, etc). Schaner noted that each unit is on its own and they will be mid-upscale units.

Cyphert noted that we are entering an area that isn't covered by the zoning ordinance. He wants to protect the township. Is there a way to make sure that the units that get placed are finished and are not a metal cargo container? Doernenburg noted that these containers meet the height and setbacks. In a motion, we can require that they be finished as depicted on materials provided by the applicant. They will have to meet both health dept requirements and building code. Schaner noted that they have been using shipping container units in Europe for a long time, and it is finally coming to the states. The type of container they are getting is virtually brand new. They want the exterior to be seamless and flawless.

Radatovich asked if the ADA requirements were met. Doernenburg clarified that they are.

Mays asked the distance from the parking lot to the furthest unit. Schaner noted that unit 4 or 6 would be convertible for ADA standards. The sidewalk is level all the way around. They are intending to have an e-vehicle on site and could drive a customer back to their unit if needed.

Brown noted that we will need lighting on the pedestrian walkway, as well as the other fire dept requirements, including the gem car. Radatovich will provide the list of fire dept concerns to the Schaners.

Cyphert asked for clarification of the access drive.

Audience Comments:

Craig Lively thinks this is a cool project. He feels this can be tastefully done and it will have to meet building code. His concern would be the flat roof.

Board Discussion:

Haven is a huge fan of modern construction and his biggest concern is safety and making sure that building standards are met. This may be a great affordable solution for someone for housing to use a shipping container. He is a fan of the look.

**Motion** by Haven to approve Case #PSPR22-004, Phillip & Kirstin Schaner for Site Plan Review-amendment to allow development of 8 structures including a single family dwelling identified as a lodge and seven structures with 20 rental units as a hotel/motel/motor inn (Lodge & Villa) on property located at 1256 Pirates Way, Section 34, Bear Creek Township, tax parcel 24-01-16- 34-100-027, as shown on the Site Plan dated Received May 9, 2022 and supplemental details regarding fences, trash storage container, and elevation sketches all dated Received Sept 12, 2017 because the standards of Articles 5, 20, 21, and 26 have been met with the following conditions:

- 1) that the parcel may not be reduced in lot width below 150 feet,
  - 2) the existing vegetation will be retained in the setback areas to the greatest extent possible,
  - 3) that the use of the lodge is limited to single family dwelling and the common area in the lodge may only be used as accessory to the residence and rental units,
  - 4) that the meeting area within the lodge is limited to 300 sq. ft.
  - 5) lights and signs be reviewed as required by the Zoning Ordinance,
  - 6) that a performance guarantee in the amount of \$3,000 be provided as required for the drainage standards (Section 25.05 G),
  - 7) that the lodge roof run off goes into the catch basin,
  - 8) that the road be brought up to the Private Road standards and be hard surface as well as the sidewalks and parking be hard surface,
  - 9) that 1ec.2205 is adhered to and they will not create a public nuisance (with regard to noise/speakers),
  - 10) that the applicant would be required to return to the Planning Commission for review of any additional uses,
  - 11) that the lot lines are clearly identified prior construction and field verified by the zoning department,
  - 12) that the Fire Department requirements be met.
  - 13) that a sealed drainage plan be provided prior issuance of additional zoning permits or zoning amendments,
  - 14) And that the units shall be finished to the same standards as depicted on materials provided by the applicant
- 2<sup>nd</sup> by Mays.

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

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

**Passed**

**IX. Public Comments:** None

**X. Other Business:**

Site Plans approved administratively

Doernenburg shared an updated plan from American Spoon Foods, which added a loading dock onto the south end.

Shipping Containers- discussion (cont.)

Commission postponed discussion until future meeting.

Domestic Farm standards- discussion

Commission postponed discussion until future meeting.

Brownfield Training

Andrea Jacobs noted that the MEDA produced a new guidebook about Brownfield. We will be having the educational training on June 15<sup>th</sup> at 6:30.

Joint Planning Commission Meeting- City of Petoskey/Bear Creek Township

Doernenburg noted that there is a new city planner. Once the training is complete, perhaps we could set up a joint meeting between the two jurisdictions.

**XI. Next Meeting:** June 15, 2022 at 6:30pm for Brownfield Training and June 29, 2022 at 6:30pm for next regular Planning Commission meeting

**XII. Adjournment:** 10:30p.m.

Respectfully Submitted,

*Emma Radatovich*

Emma Radatovich, Bear Creek Township Clerk

Jim Kargol, Recording Secretary