

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

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

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

a. Staff in Attendance: Tammy Doernenburg

**III. Pledge of Allegiance**

**IV. Approval of Minutes**

**Motion** by Gunderson to approve the minutes of the June 29, 2022 meeting. 2<sup>nd</sup> by Cyphert.

**Passed**

**V. Case PPUDP22-02 Coseo Properties, Inc, PLANNED UNIT DEVELOPMENT- RESIDENTIAL OVERLAY, 2287  
Anderson Rd and 2404 US 131 Hwy**

Tammy Doernenburg gave a background to this case:

Doernenburg noted that these properties were rezoned from B-1 to R-2. The proposal is for property that has frontage on 131 as well as Anderson Rd. It is north of property owned by the city of Petoskey and next to the Strathmore development. The adjacent use across Anderson Rd is multi-family, to the north is Flynn's pit, to the south is the city of Petoskey property, and across Intertown to the south is single family residential. Although this plan is for preliminary review, it is quite detailed. The request is to allow up to 96 multi-family residential units with parking at 1.82 spaces per unit (which is a reduction from our typical 2 spaces per unit). A clubhouse is proposed with an office, fitness center, pool, community meeting rooms, up to a maximum of 3,430 sq ft. Other uses include a tot lot, fenced in dog run, walking trails, and picnic area. The two properties combined are 7.13 acres. This is a preliminary plan; if approved, the applicant can come back for a final and site plan review. This plan requires Bear Creek Township approval before it can proceed. This plan has been submitted for preliminary review to MDOT and the Emmet County Road Commission. The comments from MDOT indicated that they would not agree to the proposed commercial access to 131, which goes along with our access management plan. This is a dangerous intersection area. The staff suggestion is to make this an emergency access only. There are proposed perimeter setback modifications to the 50ft perimeter setback requirements. The requested setbacks are 20ft to the north, 30 ft to the east, 40ft to the west, and it does include two tax parcels. There is a request for a height modification for the buildings to be 35ft tall and graphics were provided. Currently our ordinance allows buildings to be 30ft to the midpoint. As for parking, 192 spaces are required under conventional zoning, and 175 spaces are provided. The applicant is also requesting to increase the density from 10 units per acre to 13.5 units per acre. Surrounding properties are zoned FF-1 and B-1 to the north. Across Anderson Rd, where the multi-family is located, is regulated by consent judgment. The Bear Creek Township Future Land Use Map shows this area as high-density residential. The multi-family development across the road was required to maintain the perimeter setbacks. North on 131, the RG properties PUD was required to maintain 100ft setbacks. The fire chief reviewed and as a result, the applicant has provided an updated plan this evening. The fire chief had 10 concerns. Doernenburg shared photographs of the site.

The applicant addressed the Planning Commission in regards to this case

Doug Mansfield with Mansfield Land Use Consultants was present to represent Coseo Properties. He shared that the Coseo family has roots in Alpena and that they have other multi-family developments. He spoke with the fire chief and made some adjustments to the plan based on the primary concerns. The radius of the 90 turn to the south has been widened to accommodate a fire truck. Because the buildings are sprinkled/fire suppressed, the International Fire Code allows up to 450ft hose length. However, with the limited resources of our fire dept, the chief wanted 150ft hose length availability. As a result, Mansfield added spurs in between the buildings for fire trucks to get back there. He noted that he is aware of the access concerns on 131 and noted that with this many units, they need two access points. He explained that the reason they are encroaching on perimeter setbacks is due to the similar neighboring residential uses. They are planning to work with the grade of the hill and let the buildings work with the land.

Brown asked about the spurs between the buildings. Mansfield explained that the fire chief wanted to have no longer than 150ft between the truck and the building. These spurs are a paved area between each building that allow for regulated turning movement for these trucks. As for as the 90 degree turn, it has been widened for the turning radius. As for the access, they are considering having it gated and are looking at the fire dept requirements for that. Cyphert noted that the road commission concerns coincide with the fire chief's concerns about the access of 131. He asked if they are planning to gate it. Mansfield noted that they can use a locked gate with a knox box and give the fire dept a key. Radatovich noted that they also make siren activated gates. Mays suggested signage saying "no entrance".

Brown asked about the plan for grading, and how far down into the trees the buildings would sit. Are they planning to balance the land or haul dirt out? What will happen to the tree line? Mansfield explained that they don't want to work down the hill, so they are planning to drop the foundation into the hillside. They will be having clearing limits of 10-15ft from the buildings. The plan is to push dirt in to backfill and then they will have top soil left over. Mansfield noted that they are planning to enhance the tree line, and will only be taking out trees within 10-15ft of the buildings.

Haven noted that this plan is 17 parking spaces short of our ordinance requirements. How wide are these spaces? Mansfield explained that MISDHA has gone down to 1.5 parking spaces per unit, and it has to do with the mix of units. Most of their developments are 1.5 spaces per unit and it complies with state requirements. There are also many people who do not drive or work remotely and don't have a car. Doernenburg noted that the updated site plan shows all 192 spaces; these are 10x20ft spaces, and this is listed on the site plan.

Brown noted that originally, the Planning Commission was looking at 3 buildings for this site, with covered parking. What caused the change of plans? Mansfield noted that the new plan makes the project economically viable.

Radatovich noted that the use is great for this site. However, she is concerned that three stories will be quite high on a hill. If the three stories was tucked down in, it wouldn't be as much of an issue, but they will be on a hill. In addition, a three story building requires 100ft setbacks rather than 50ft, correct? Doernenburg noted that any building over 30ft has 100ft setbacks. Based on this, Radatovich asked if the requested 20ft setback would be an 80ft variance rather than a 30ft variance. Doernenburg agreed.

Brown feels it is difficult to imagine the height. Would the developer be willing to put up a flag? Mansfield noted that the building height is a 5ft variation. He could make these buildings 30ft. However, he is asking for 35ft to give a roofline that would better fit the community. He can provide sketches from the road of what these buildings will look like.

Mays asked if all the buildings were three stories. Mansfield confirmed.

Radatovich asked if there would be any short-term rentals. Mansfield confirmed there would be no short-term rentals.

Brown asked how many units Coseo has across the country. Mansfield noted it is about 8,000 units.

#### Audience Comments:

Denny Keiser noted that the height modifications, density, and setbacks are the details that will be locked in to the final plan. Doernenburg noted that the approved uses will be locked in. The items up for discussion tonight are use, density, height, and setbacks.

Andrea Jacobs noted that the Master Plan designates this area as high-density residential. Would MDOT be able to slow down the speed of this section of 131 if more dwelling units are added? Doernenburg noted that a speed study is requested by the township in order for the speed to be changed. Keiser noted that when the township requests a study, the speed is set to whatever 85% of the residents are driving. The density will not likely change the speed of the road. Kargol noted that when there is a main road with many driveways across each side of the street, the road commission can lower the speed. However, in this situation, there is just one access. Keiser noted that at one point, this parcel was planning to have a right in/right out only.

Tom Urman asked if there is capacity available at the city for sewer. Keiser noted that the capacity is there, but we will need to have a study done to see if there are any restrictions between this development and the plant. Urman asked if the developer would pay for that study? Keiser noted that we have not gotten into that yet. Urman asked about water capacity. Keiser noted that those are details that will have to be worked out. Doernenburg noted that the plan is for them to use city water and sewer, and at this point, that information is sufficient for a preliminary plan.

Urman is concerned about setbacks. He noted that this is an 80ft variance from the 100ft required for three story buildings. He feels that the commissioners need to "think hard" about these setbacks. Perhaps if the plan works at 64 units, they should pursue that. He feels the buildings will sit high on the hill. He is in favor of housing but feels an 80ft variance is a lot of footage.

#### Applicant Rebuttal:

Mansfield noted that the setbacks are a major concern. The ordinance does not require 100ft setbacks for a three story building, but rather, for any building over 30ft. He could meet the 30ft with these buildings with a flat roof. To the north, they are proposing a 40ft setback. On the highway, which also has land for the road right of way, he is proposing 30ft. Then the 20ft setback is to the south, where the city of Petoskey's property is and it also goes down into a retention basin. He does not feel that anything will be negatively impacted here. Due to the building code, they can have an 8ft ceiling with a truss, which is more affordable, and you can put the utilities within the truss. He is aiming for a pitched roof in order to make this fit in with the character of the community.

#### Additional Board Discussion:

Kargol asked about the setbacks- are they from the structure, the overhang or the deck? Doernenburg noted that the setback starts from the deck and these measurements are based on that. Mays asked the size of the deck. Mansfield noted that the decks are 6ft.

Haven is concerned about the 35ft height on the hill. He would like to see a visual landmark placed, such as a flag. He is not against the project, just wants to be able to visualize it. He noted that we need to balance community needs with aesthetics with the ordinance. He agrees that a flat roof would not fit in there. As far as setbacks, he thinks that this is a case by case basis where we need to look at if we are encroaching on a neighborhood or residential.

Kargol noted that from a distance, you likely wouldn't notice the difference between 30ft and 35ft. It won't look out of place with the trees in the backdrop.

Brown agreed that we have an ordinance and standards in place, but we also have to consider the location. This parcel has a pit on one side, apartments on one side, and the highway on the other. It makes the variances easier to accept.

Mansfield noted that they use gabled roofs and 35ft is the midpoint of the roof. He asked to be conscious of the viewshed in the area. Kargol noted that a hip roof does give a nice flow and a lower roof feel.

Brown asked if we should add something into the motion about maintaining trees along the north side. Cyphert agreed that the trees need to be maintained. He asked what would happen to the root system of the trees with equipment working in there. Mansfield noted that they will cut trees within 15ft of the building. He will prepare with the landscape architects the systems needed to preserve the root system. Brown asked how many feet of trees are in between the 15ft from the building to the edge of the property. Doernenburg noted it is 25ft of trees after the initial 15ft from the building.

Radatovich and Mays agree with the board discussion. Radatovich would like to ensure that the emergency access on 131 is gated, not just marked by signage.

Brown likes the use for this location.

**Motion** by Mays to **approve** PPUDP22-02, a request by Cote Perkins on behalf of COSEO PROPERTIES, INC. for a Preliminary Planned Unit Development Residential Overlay for the development accessed via Anderson Road and US 131 HWY within Section 18, Bear Creek Township. The properties are zoned R-2 General Residential and include the following properties: Tax parcels 24-01-19-18-100-040 and 24-01-19-18-100-042, with the following addresses: 2287 Anderson Rd and 2404 US 131 HWY. The proposal is to allow 96 residential units a club house with office, fitness center, pool, and community meeting rooms up to a maximum of 3,430 sq. ft. Other uses include a tot lot, a fenced in dog run, walking trails, and picnic areas. The request includes perimeter setback modifications, and height modifications. Approval is based on the application packet received July 7, 2022 and updated preliminary plan received July 27, 2022 and the facts presented in this case, the applicant has meet the standards of Article 16, 19, and 22 for a Preliminary PUD Residential Overlay and the underlying zoning district setback standards will apply as shown on the preliminary PUD plan with a condition that the applicant will maintain the screening along the east and north of the property (trees within 15ft of the building can be removed) and that the access onto 131 be used only for emergency access and be gated. 2<sup>nd</sup> by Cyphert.

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

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

**Passed**

## **VI. Public Comments:**

### Tannery Creek Condo Association

Brown noted that this item has been dropped from the agenda. Radatovich explained that they had submitted comments regarding a previous case, which were sent to the Planning Commissioners, but they chose not to come to tonight's meeting.

### High-Density Residential Housing

Andrea Jacobs, the Emmet County Housing Ready Director, noted that the Master Plan designates this area to be developed in a higher-density way. Should we discuss how we envision those areas coming together in the future? Eventually, that 3 story building will be part of a higher-density area and that will be a transition space, and won't look out of place in a few years. It may be helpful to look at that corridor as a whole, rather than one plan at a time. She feels that the board should assess their comfort level with things such as setbacks and density. The standards are important, but it is also important to consider the growth that will be there in the long run.

Brown explained that the purpose of the Master Plan is to think ahead to consider things like that. That entire corridor is active and in play, however, it is important for us to look at each individual case, as they vary based on location. Kargol agrees that it is important to look at these sites on a case by case basis. Based on infrastructure, we are limited as to where these developments can go. Doernenburg noted that the Planning Commission spent months on the master plan in order to accept high density residential in this area. Cyphert noted that aside from the future land use map, we need to consider water and sewer lines and what a developer may be willing to spend to put in extensions. We can also discuss this at our Aug 11<sup>th</sup> joint meeting.

Keiser noted that setbacks are applied on a parcel by parcel basis, and there is likely going to be a ring of development based on where the infrastructure is located. There will likely be other housing developments in this same area. Kargol noted that development happens in Bear Creek because that is where the infrastructure is located.

Mays noted that setbacks in a residential area will need to be higher. Urman noted that we will need to find a balance for our community.

Keiser agreed that this building is going to appear very tall; however, it will seem tall whether the buildings are 30ft or 35ft. You won't be able to tell much difference. Cyphert agree that these will appear tall no matter what, however, the standard apartment building in the United States is three stories.

Brown noted that over time, this development will blend in as it becomes surrounded with other developments.

## VII. Other Business:

Joint Planning Commission training- MSU- City of Petoskey/Emmet County/Bear Creek Township- August 11, 2022

Doernenburg reminded the Planning Commission that the joint training is on August 11<sup>th</sup> at 7pm at City Hall.

Site Plan(s) approved administratively- Dave Kring parking lot 1191 N US 31 Hwy

Doernenburg noted that Kring's is expanding their parking lot adjacent to the service center. The parking lot will go where the vacant kennel parcel is. The plan would be to eventually expand their building into the existing parking lot. The permit was issued on condition that there is a cross access easement.

Domestic Farm standards- discussion continued

Doernenburg noted that there was a request from a property owner to change the standards to allow for chickens on parcels under two acres. Within that development, the deed restrictions do not allow for chickens anyways. In addition, there have been multiple property owners who have made complaints about this person's chickens. Doernenburg noted that many subdivisions have a homeowner's association which limits chickens. She feels that the rules we have in place are good and should be left as is. Radatovich and Cyphert agree. Cyphert asked about enforcement of the chickens onsite. Keiser noted that this really should be a discussion within the HOA, rather than involving Bear Creek. This is a private matter within their subdivision.

Enforcement Report

Doernenburg noted that there was an arts and crafts show that showed up at the old Chase Bank location. They got permission from the property owner but did not have any zoning permits. Doernenburg went on Saturday and told them there was a zoning violation and they needed to cease the show; she then issued 21 tickets on the Monday following the show. The property owner claims they did not know they needed permits, however has a permit for a food truck on that site. Brown asked if they add anything other than a single food truck, would they have to come in to modify the site plan? Doernenburg confirmed. In addition, she shared that BMay Bags was the second location the craft show was planning to use. However, the plans they submitted show port a johns in the right of way, vendors in the setbacks, and the entire parking area being used for vendors. Brown asked if the tickets are overdue. Doernenburg confirmed they are overdue and have not been paid.

Cyphert asked about the RVs parked at Walmart overnight. Doernenburg sent letters to Walmart corporate and to the manager, as overnight parking violates their agreement. She also sent pictures of the potholes to Lowes.

Kargol asked about the powder coating business, as it does not look cleaned up or screened.

Mays noted that the power sports building looks really nice. Keiser noted that Prime Diesel and Jellystone also did a great job.

**VIII. Next Meeting:** August 31, 2022

**IX. Adjournment:** 8:00p.m.

Respectfully Submitted,

*Emma Radatovich*

Emma Radatovich, Bear Creek Township Clerk

Jim Kargol, Recording Secretary