

Bear Creek Township Planning Commission Meeting November 30, 2022

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

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

a. Staff in Attendance: Tammy Doernenburg

III. Pledge of Allegiance

IV. Approval of Minutes

Motion by Mays to approve the minutes of the October 26, 2022 meeting. 2nd by Cyphert.

Passed

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

No new information on this case.

VI. Case PREZN22-04 Ron Budnik, REZONING- R-1 One & Two Family Dwelling to R-2 General Residential, 1780 Howard Rd

Tammy Doernenburg gave a background on this case:

Doernenburg shared that the site is located on Howard Rd, on the west side of the road, just south of Lears Rd. This parcel does not have direct access to Lears Rd. It is currently zoned R-1 and is about 6.94 acres. The request is to rezone it to R-2. The properties to the north and west are owned by the tribe, so those are not subject to county zoning. Beyond that, the properties are zoned FF-1 and R-1 on the west side, and a PUD encompasses three sides of this parcel. When the PUD was established, this parcel was intentionally left out of the PUD. There are single family dwellings to the south, multi-family to the west, single family dwellings to the north, and city property to the east. This parcel is designated for high-density residential in the future land use map, so the rezoning is consistent. There are three dwellings on the property as well as accessory structures. The fire chief has reviewed and has no concerns, and there has been no public comment to date. Doernenburg showed pictures of the site. She encouraged the applicant to work with the road commission to make sure that this site would be accessible for something more than single-family dwellings. The Planning Commission will need to consider all uses within the zoning district.

The applicant shared regarding this case:

Ron Budnik noted that the driveway will likely have to be moved and deceleration lanes added. He has not worked with the road commission yet.

Haven asked the reason for the rezone. Budnik would like to put in multi-family apartments.

Mays asked why this parcel was not included in the PUD and Brown asked when the PUD was established. Doernenburg clarified that the PUD was created in 1994. Haven noted that perhaps it was excluded because it was privately owned.

Mays noted that the rest of the PUD is R-1. Could apartments go in R-1 zoning? Doernenburg noted that R-2 could be considered a spot zone and it also could not. Apartments cannot go in R-1.

Public Comment:

Joe Daly asked the density for R-2. Doernenburg explained that it is up to 10.89 for one bedroom and 7.687 for two bedrooms.

Board Discussion and Questions:

Brown shared concerns about possible commercial uses if it was rezoned, but feels that it is not likely to be a place that a bank or office would go. The rezone does fit in with the master plan as far as multi-family goes.

Radatovich noted that the Planning Commission has to consider all uses, not just apartments. In addition, the road commission may not approve a driveway for an R-2 use anyways.

Kargol asked the width of the property. He noted that sight distance is usually based on the speed limit. For 55mph, the sight distance would be 550ft. He believes there are two obstacles: 1) Can the developer hook into city water? 2) Can they get a driveway permit? Doernenburg noted that the width of the property is about 350ft.

Haven asked if they could enter the parcel from the current subdivision. Budnik noted that they could not. They would also have to tap into sewer.

Cyphert listed some commercial businesses that could go in R-2 zoning, including: cash advance stores, electronic repair, financial institutions, funeral homes, beauty salons, professional photographers, cleaning services, real estate offices, and small craft making businesses. He can't imagine any of those businesses wanting to go there. He is not seeing visibility issues if the drive would be on the south end.

Radatovich noted that the Planning Commission should not get hung up on the driveway, as that is the task of the road commission. Our task is to consider if the use is appropriate.

Keiser suggested that the Planning Commission consider an approval contingent on the road commission.

Haven noted that this is designated as high-density residential, and there is a need for it.

Kargol asked if storage units would be allowed. Doernenburg noted that storage units, retail, and restaurants would not be allowed.

Joe Daly suggested that the road commission look at the speed on Howard Rd. Keiser noted that often times during a speed study, it is determined to be an enforcement issue rather than a speed issue. It also comes down to accident history.

Doernenburg remarked that a rezoning cannot have conditions.

Motion by Cyphert to approve PREZN22-04, Ron Budnik for Charles and Bonnie Hitchings, to rezone the properties at 1780, 1836, & 1840 Howard Road, Section 7, Bear Creek Township from R-1 One and Two Family Dwelling to R-2 General Residential, tax parcel 24-01-19-07-400-024 because the standards of the Zoning Ordinance for a rezoning have been met including: the Master Plan supports the rezoning. 2nd by Mays.

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

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

Passed

NOTE for the Township Board: The intention of the Planning Commission is as follows: If the road commission deems that a commercial driveway is acceptable, the Planning Commission would recommend approval of the R-2 rezone. If the road commission deems that a commercial driveway is unacceptable, the Planning Commission requests that the case be postponed and returned to the Planning Commission for further review.

VII. Case PSUP22-024 The Manthei Corporation, SPECIAL USE PERMIT- Mineral Processing Facility, 2088 N US-31 Hwy

Tammy Doernenburg gave a background on this case:

Doernenburg noted that the Planning Commission recently rezoned a portion of this property. This parcel currently has one access off US-31. There is a powersports building with an accessory building behind. There is a cellular tower on the site as well. This property is zoned I-1 at the location proposed for this use and B-2 along the highway. The current access drive would be closed off when the new access was constructed. This new access would be shared between the powersports, the cell tower, and the Manthei property. The entire parcel is 42.9 acres and the proposed site area is 5.5 acres. The property to the north is zoned B-2, to the east is I-1, and to the south and west is FF-1. Doernenburg shared the location of the proposed building and paved area. There is some outdoor storage proposed as well. There is some designated wetland along the property that has been delineated and shown on the plan. A sealed drainage plan has been provided. MDOT approved the concept of the access road, and indicated that they are hoping it can be lined up across the highway. The height standards have been met for the building and setback standards have all been met. The silos exceed the 30ft, but the ordinance allows these types of structures to do that. We received an updated site plan which includes dumpster details (the standards have been met), as well as correctly identifying the building, and added the circulation of traffic. This new plan is dated November 23, 2022. A well is proposed to serve the site. There is a proposed fueling station on the plan. Snow management is shown on the plan and meets the zoning ordinance. No outdoor lighting or signage is proposed. The fire chief has reviewed this plan and has no concerns. Doernenburg shared questions posed by a member of the public: What are the hours of operation? Would the operation be quiet outside the hours of operation? Will the fans and motors create a sound? There are no other public comments received. This is a special use, so property owners within 300ft were notified. We received some information today that shows the projected decibel levels, based on information gathered from the Manthei's Charlevoix redi-mix plant. The nearest home is 1400ft away. Doernenburg shared some photos from the site. The power poles on the site are approximately 90ft and the cell tower is approximately 125ft. Across the highway is a single family dwelling, retail, an office building, and an auto dealership.

Brian Burns reviewed the drone photos with the Planning Commission, showing the views at 54ft. Some trees will be cleared for the operation, but lots of trees will be left for screening.

Brown asked where the nearest home was located (1400ft away). Doernenburg clarified on Pickerel Lake Rd.

Mays asked how closely this will be located to Pine Pond. She thinks it will be loud for people living in that new development. Doernenburg noted that there is some distance, as Elmer's owns the property immediately adjacent.

Burns clarified that the nearest home is approximately 1400ft away on Hiawatha Trail. The next closest is on Pickerel Lake Rd and is approximately 2100ft. Pine Pond is further than the nearest home.

Brian Greene noted that this will also be screened by wetlands.

The applicant shared regarding this case:

Brian Burns explained that this is an operation which loads the elements of concrete into a mixer truck so that the concrete can be delivered to a job. The elements are stone, sand, and cement powder. The sand and stone are stored in storage bins on the ground, and cement powder is to be stored in the proposed silos. The operation would have about 6 employees. There would be 15-20 truckloads a day on average, with 1-2 trailer loads a day of materials being delivered to the site. The hours of operation are 6am-6pm, but in the busy season may be outside those hours. Burns explained the noise monitoring. At 250ft, the maximum decibel level is 61db. At 1300ft away from the Charlevoix plant, the decibel level was 45, which is comparable to birds calling or background noise in the suburbs. In addition, the noise would be deadened by trees. This is not continuous noise, just when the truck initially starts mixing, which is about 7 minutes per load. There are also back up alarms on the equipment. The only other noise is when you load material into the hopper, but they put rubber matting to deaden the sound.

Kargol noted that there is a big difference between this operation and mining.

Brown asked about the dust collection system and the materials heating area.

Burns explained that when you load the trucks, the dust collection system is used to ensure there is no cement dust. This is a vacuum system that is 99.99% efficient to keep dust from escaping into the air. The only other dust you would have is trucks going through the gravel. Most trucks will follow the asphalt, but the loaders may be on the gravel. In regard to the heating system, it is a steam system that is used so that the stone doesn't freeze.

Cyphert enjoyed the drone photos. He noted that there is a 20 acre parcel next to this that has frontage onto 31. What is on that piece? Doernenburg noted that it was the old animal shelter.

Mays asked if the industrial park is to the right. Doernenburg confirmed that it is.

Brown asked if this operation would be 7 days a week. Will the hours be 6am-6pm? Will this impact the phone tower? Brown asked if there is a public entrance and asked about the aesthetic look of the building. Can the applicant give more detail on the fueling station?

Burns confirmed that the operation is typically 5 days a week with Saturdays on the busy season, but those are usually half days. There will be no impact to the phone tower. There is no public access and the building is a basic steel building with garage doors. Burns explained that the fueling station is a 1000 gallon double walled tank, for fueling the redi-mix trucks. A fueling truck would come in multiple times a week to bring gas. This is a freestanding tank with double wall containment.

Cyphert asked about water and sewer. Burns noted that the amount of water is comparable to 6-7 homes with irrigation. The water will be sourced from a well. The Health Department came to the site and said that the water viability is good. However, the Health Department said no to the drain field, so they will need to hook into sewer. They are still evaluating if they will need a pump station.

Brown asked if an EGLE review is required. Burns noted that they have reached out to EGLE and have not heard back.

Kargol asked if the dust collection system has to follow mining regulations. Burns confirmed it does not.

Public Comment:

Aaron Richards is the co-owner of County Wide Powersports. He worked previously for St. Mary's Cement in Charlevoix. The dust collection system is at the highest standards right now and they are not concerned at all about dust. There is a ribbon of trees between the power sports and this business. There is little chance that those trees will be cut down because they are within the wetlands. They have very little concern about this project.

Ron Budnik owns some property in the industrial park and welcomed the Manthei's to the neighborhood. He noted that the Manthei name speaks for itself, and believes it will be a Class A operation.

Denny Keiser asked how the raw cement gets into the silo and asked how the access road will work considering future development.

Tom Urman asked if this structure will ever be enclosed.

Brian Greene is the co-owner of the powersports business and is the property owner. He is in full support of the project and feels it will be good for this area.

Applicant Rebuttal:

Burns noted that they do not have plans to enclose this.

Josh Manthei explained that the heating systems allow them to heat the material in the bin and use it that day. The silos are all sealed. He explained that the raw cement comes in a tanker truck. You pressurize the tank and it forces the cement up the pipe. A silo will hold approximately 1.5 truckloads.

Abe Manthei noted that the intention is to split this property into multiple pieces and to lay the road out with the designated parcels defined. They are planning to develop the road in such a way that it could handle future growth.

Board Discussion and Questions:

Mays asked about the traffic at the highway entrance. Burns noted that it would only increase traffic by 0.2%. Aaron Richards noted that the new traffic lights may help. Keiser noted that the traffic light at Pickerel Lake is supposed to go in next year.

Cyphert noted that we have received no public comment or negative input, either before the meeting or at the meeting. The only comments received were the questions posed, and those have been answered.

Keiser asked about the height of the raw materials. Burns noted that it would be approximately 8-10ft.

Motion by Haven to approve Case #PSUP22-024, Manthei Construction for a Special Use Permit and Site Plan Review - for a mineral processing facility and operation (redi-mix operation), on property located at 2088 N US 31 HWY, Section 26, Bear Creek Township, tax parcel 24-01- 16-26-200-033, as shown on the site and drainage plan packet and as shown on the general floor and elevation plans all dated received November 10, 2022, including the revised site plan dated November 23, 2022, because the standards of Articles 14, 19, 20, 21 and Section 26.45 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 \$5,000 be submitted prior to issuance of a zoning permit, that the dumpster be screened as required by the Zoning Ordinance, and visual screening shall be maintained within the required setback areas. 2nd by Kargol.

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

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

Passed

VIII. Public Comments: None

IX. Other Business:

Site Plan(s) approved administratively- Goodwill Industries, 2154 Anderson Rd

Doernenburg is still working with Goodwill and they are planning to submit something.

Radatovich will email the 2023 meeting schedule to the Planning Commission.

Doernenburg noted that there are some proposed changes to the zoning ordinance. She asked the planning commissioners to review them and prepare any feedback they may have. These changes would combine all industrial use to one zone. It would also modify the density in Article 19. In addition, it streamlined some of the uses on the land use matrix to make it more user friendly. It would also make the supplemental regulations easier to find.

X. Next Meeting: December 28, 2022

XI. Adjournment: 8:12p.m.

Respectfully Submitted,

Emma Radatovich

Emma Radatovich, Bear Creek Township Clerk

Jim Kargol, Recording Secretary