

Bear Creek Township Planning Commission Meeting January 25, 2023

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

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

a. Staff in Attendance: Tammy Doernenburg

III. Election of Officers

Motion by Mays to reelect the former officers: Mitch Brown as chairman, Jeff Haven as vice-chair, and Jim Kargol as recording secretary. 2nd by Cyphert. **Passed**

IV. Pledge of Allegiance

V. Approval of Minutes

Motion by Cyphert to approve the minutes of the November 30, 2022 meeting. 2nd by Mays. **Passed**

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

The applicant withdrew this case.

VII. Case PSUP22-027 Lonny Beyer, SPECIAL USE PERMIT- Contractor's Use, 4933 E Bear River Rd

Tammy Doernenburg gave a background on this case:

Doernenburg shared that this is a special land use (contractor's use) with modifications requested at 4933 E Bear River Rd. The parcel is located on the north side of Bear River Rd and parcels on both sides of the road are located in Emmet County. The spring 2022 aerial map shows two adjacent buildings located on this parcel, along with a third building that was existing prior. The zoning permit that was approved for these buildings was for detached accessory buildings. Up to 2,400 sq ft is allowable at this location and because the property owns the adjacent parcel, it can be considered as one zoning lot. When Doernenburg went to sign the certificate of occupancy, she discovered that the two adjacent buildings had been combined into one building. That building now stands at 30ft by 132 ft, which exceeds the allowable 2,400 sq ft. The building on the lefthand side is for personal use and construction cold storage use. The site plan shows a dumpster near the road as well as the drive that goes in. There is adequate parking on the site. The building meets the height standard and also required engineering to meet the building code requirement. From the road, you can barely see the peak of the buildings beyond the hill. Doernenburg showed pictures of some outdoor storage that is occurring as well as the dumpster in the front. The property is 7.72 acres and the ordinance does allow for contractor's use as a special land use. Personal storage is also allowed. The proposal is for a contractor's use as well as a request for modifications to those standards. Outdoor storage is allowable if it is inside an enclosed building or screened from public view. Section C requires owner occupancy, and the owner does live at the adjacent parcel across the road. Section D requires that the land be at least 10 acres in area and 600ft in lot width and depth. Section E has building limitations up to 2,400 sq ft and an additional 2,400 sq ft building could be approved on sites of 20 acres or more. One building up to 3,400 sq ft building can be approved if the applicant stipulates not to construct two buildings for construction use. Sign limitations are also designated. The Planning Commission has the ability to modify these sections if the use fits into the character of the vicinity of the surrounding properties. Zoning surrounding this property is FF-2. Access exists from Bear River Rd. This is not currently a commercial access. The road commission has confirmed that sight distance has been met, however, the road commission would want this driveway to be brought to commercial standards. Snow storage is not shown on the plan, but there is adequate room on the site. No outdoor lighting is identified. There is no well or septic system on the property. The driveway is gravel and the applicant has requested to have the sealed drainage plan requirement waived. The proposal is a special land use. There was one public comment from a neighbor who was concerned with traffic and was opposed to the commercial use. Doernenburg also received an email from James Batelka who feels that this change should not be approved. The Fire Department indicated that a Knox Box would be required.

The applicant shared regarding this case:

Lonny Beyer shared that traffic has not been an issue, and he has had this business there for 8 years. His employees take their trucks home. Typically, they come in the morning, get their material, and cycle out one at a time. They have not had any traffic incidents occur there. He has tried to keep everything on top of the hill and out of sight.

Cyphert asked how this parcel is designated on the future land use map. Doernenburg clarified that it is rural residential on the future land use map. This would be a special land use. If the Planning Commission chooses not to go forward with the contractor's use, there would still be the issue of the larger-than-approved building.

Mays asked if the buildings were existing or if Beyer connected them. Doernenburg explained that the applicant applied for a separate new building. The second building was built and then after the fact, the space in between was filled and they were connected. Doernenburg spoke with the building inspector and at the last time he inspected the site, the buildings were still separated.

Radatovich noted that the ordinance says that the Planning Commission has the authority to make modifications only if the intent of section 8 has been met. She read section 8: "The FF-Farm and Forest Districts are designed to promote the use of wooded and rural areas of the County in a manner that will keep the basic attractiveness of the natural resources and provide enjoyment for both visitors and the community at large. The intent of the District is to hold the rural County areas for agriculture and forestry purposes and to allow some multiple uses of marginal farm-forest lands." Radatovich also noted that a special land use runs with the property.

Brown noted that this is an existing use that is shielded within the property.

Haven noted that this business has been established at this location for a long time. Part of the criteria is based on if this use is shielded or if it is directly impacting the neighbors.

Gunderson asked if contractors are coming in, and also asked if any of the space is going to be rented out. Beyer explained that he has 12 employees. In the morning, they come in and then trickle back out after they have gathered their things. He noted that certain sections of the buildings are for personal storage (for limber, tractors, bailers, etc) because he farms. He is not planning to rent it out to other companies.

Radatovich noted that 10 acres is required by the ordinance, and this parcel is roughly 7 acres. With the adjoining parcels that the applicant owns, it is over 10 acres, but what happens if those other pieces sell? Doernenburg noted that a stipulation of the Special Use Permit is that it would have to remain on 10 acres, or the Special Use Permit would go away.

Brown asked what type of deliveries are coming in. He asked if the public ever visits. What is the outdoor storage use? This would need to be better defined on the site plan. Brown asked how many vans are utilized and where the employees park. What are the hours of operation? Beyer explained that there are semi trucks that come in at times, but it is not usually every day. He also has pickup trucks or vans that make deliveries. The semis go up and around the driveway, even in the winter. There is no retail for public at this location. Beyer explained that on the left side of the long barn, there is a small building that holds PVC pipe. He has a dumpster on the bottom, and he is willing to move that back up top. As far as outdoor storage, behind the barns, he keeps scrap (old furnaces, water heaters, etc). Normally, they wait until they have a trailer full and then they haul it to the scrap yard. He also has personal storage behind the barns as well as a sap boiler. He also has a K&L job trailer alongside the building. There is a plow truck, delivery truck, and box truck, as well as one spare van that all sit on the left hand side of the left barn. Employees also park to the left of the left hand barn. In regard to hours of operation, Beyer noted that it is typically 8-4:30, Monday-Friday, but there are employees that come in around 7. There is also a 24 hour service, but most of those employees have the parts in their vehicle.

Radatovich would like to see employee parking designated on the plan. Does there need to be a designated walkway for employees? In addition, for the bathroom/future bathroom, is there any health department requirements needed? Doernenburg noted that the walkway would not be needed for this type of use, and the bathroom would be looked at by the building inspector. Beyer noted that there is a port-a-potty for his employees to use.

Cyphert would like to see the dumpster moved and the driveway upgraded. In addition, he asked about cleaning up the scrap yard or moving it inside. Beyer agreed to move the dumpster to the back and is unsure what the road commission will require for the driveway. In regards to the scrap, he spoke with the neighbor about installing a fence. However, after more thought, he is considering utilizing a scrap dumpster. Radatovich noted that dumpsters have to be enclosed, per the ordinance.

Public Comment:

Roger Martin, neighbor, discussed the scrapyard on the back of the site and the possible privacy fence. He asked if the scrap dumpster would also have a fence to be screened from view. Mays noted that dumpsters have to be enclosed.

Corrinne Martin asked what safeguards would be in place for the future. Doernenburg explained that the use runs with the land, and any conditions placed would also run with the land.

Applicant Rebuttal:

Beyer remembers a previous experience of needing to enclose a dumpster.

Board Discussion and Questions:

Cyphert asked for clarification regarding what happens if the owner no longer lives at the adjacent parcel. Doernenburg noted that the special use permit could be revoked if the owner no longer lived there.

Cyphert likes the idea of having a screened and enclosed scrap dumpster. Radatovich agrees. It was noted that personal farm storage would still be allowed outside, because of the Right to Farm Act.

Haven noted that the enforcement report indicated that the business was sold. Beyer explained that he sold the business and the new owner has a five year lease, by which he is contracted to run the business. He still owns the property and is not selling the property. Radatovich clarified that Beyer owns the property, but not the business. Doernenburg suggested a five year sunset, based on this five year lease.

Keiser suggested tabling the case to get more information. Cyphert asked if this is something the township attorney would want to review. Keiser indicated that it would be up to the county attorney.

Brown noted that we need an updated site plan.

Keiser suggested using the words “property owner” rather than “applicant” for clarity in the future (when discussing owner occupancy).

Motion by Cyphert to **postpone** until the next regular Planning Commission meeting #PSUP22-027, Lonny Beyer for a Special Use Permit for a contractor’s use on property located at 4633 E Bear River Rd., Section 36, Bear Creek Township, tax parcel 24-01-19-36-300-033, as shown on the site plan dated December 28, 2022 for the following reasons: to allow the applicant time to provide additional information, including: to clarify ownership/business ownership, to update the site plan to include: location of a screened/enclosed dumpster, location of a screened/enclosed scrap dumpster, designated employee parking, defined outdoor storage, hours of operation, location of business trucks and port-a-potty, and to meet road commission standards. 2nd by Kargol.

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

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

Passed

VIII. Case PPUDP23-01 Mansfield Lane Use Consultants for Country Drive LLC, PLANNED UNIT DEVELOPMENT RESIDENTIAL OVERLAY, 1393 N US 31 Hwy, Bear Creek Township

Tammy Doernenburg gave a background on this case:

Doernenburg shared that this is a request for a PUD-RO. This is a preliminary review, so a lot of the questions that came in are for details that will be decided at a future time. The location is 1393 N US 31 Hwy, which is situated between the highway and Pickerel Lake Rd. It is located near Ace Hardware and tribal trust land. This location served previously as an animal clinic and there are also dwellings on the property. This property is zoned R-2. To the west is zoned B-2 and there is also R-2 near it, which allows residential and low impact commercial use. There are multiple family dwelling units to the north and to the south is zoned R-1. The concept plan shows a main access from Pickerel Lake Rd that has received approval from the road commission. The second access is gated for emergency use only, and has also been approved by the road commission. There is no access off 31, to follow the access management principles. A question was raised about the dangerous intersection, and Doernenburg noted that there is going to be a light installed there this fall or possibly in the spring. A floor plan was provided, which was not required, but it gives an idea of what type of units would be proposed. These would be two bedroom units and three stories are proposed. There is a height modification requested. The ordinance allows 30ft measured halfway between the peak and the eave. The request is for 36ft to the midpoint and 42ft to the peak. This is an 8.1 acre area. There are four structures currently on the site- three homes and one accessory building. The PUD does not result in a rezoning. Township approval is necessary for this to move onto the county planning commission. The proposal is for 96 dwelling units. Doernenburg shared that the density modification is not something that we would be able to approve, based on the ordinance. Another modification that has been requested is a reduction in the perimeter setback. The second modification is for four 3-story buildings, 42ft to the peak. The third modification is for reduced parking stall sizes, although the plan shows a mixture of spaces, some of which would fit the 10ft. The last modification requested is for 12 units/acre based on gross acreage. The 50ft perimeter setback would only reduce it at certain spots. There are no encroachments being proposed along Pickerel Lake Rd. The road commission and MDOT have reviewed the plan. MDOT did not think this would negatively impact 31. The proposal is to utilize municipal sanitary sewer and a private well system. We received communication from the township supervisor and township engineer indicating that the sewer would need to be upgraded in order for any new housing development to occur at this magnitude. If the preliminary PUD is approved, then the applicant would proceed with the final PUD plan, which would have much more detail. The Bear Creek Township and Emmet County future land use map shows this area as mixed use. The description for mixed use in the Bear Creek Township Master Plan is a higher density use with a mix of commercial and high-density residential. These are often in transition areas and are connected by roadways and walking paths. Demographic shifts in the market also support the building of multi-family developments within a walking distance of retail and support services. There were several concerns and inquiries from neighbors, which included questions regarding: density allowable, perimeter setback, height of buildings, reduced parking space size, stormwater runoff, well depth, sanitary sewer, traffic, traffic study, greenspace and park areas, landscaping, and environmental issues. Most of those things are all things that would come in at a later time during final review. In regard to the density allowable, currently the ordinance allows 10.89 single bedroom units/acre and 7.687 two bedroom units/acre, so this would come to 62 units for this piece. However, the current proposal for text amendments would change the density to 11 units/acre. Spring Lake Club is the residential development to the north of this parcel. The fire department has eight recommendations and requirements.

Brown asked about the timeframe for adopting our new density standard. Doernenburg noted it will likely be in 3-4 months. The requested amount of units would still be in excess of the new standard. Radatovich asked about the density allowed in R-2. Is the 62 units based on one bedroom or two bedroom? Doernenburg explained that this motion for approval is based on the R-2 zoning. If the density standards of R-2 change, then this would reflect that. It would always reflect what the current density standards would be.

Brown asked if there are wetlands. Doernenburg confirmed that there are.

The applicant shared regarding this case:

Doug Mansfield noted that they have studied this piece of land and want to hear from the public and the planning commission regarding what thresholds they can develop. In regard to the height modification, he noted that it is possible to build this within the 30ft, but it would be a flat roofed building with 8ft ceilings. They are requesting the modifications so that they can have peaked roofs and 9ft ceilings. Because of the way the land is terraced, you would only have about one story that would be visible from 31. This property is zoned R-2 but is master planned for mixed use.

Public Comment:

Earl Bash is a neighbor who submitted questions from the residents of Spring Lake. He feels the traffic study would be a good idea. He noted that Konle Rd is already a shortcut between 31 and M-119. If a traffic light is added (which is a good idea), that will increase traffic. He has questions regarding water flow off parking lots. He noted that the 45ft drop in the property is a large drop and would like to see a wetland delineation study. He asked about greenspace for residents and wants to make sure people have a place to walk their pets, so that they don't encroach. He asked about the sewer plan and if it would be an independent line, hooked up to the Harbor Springs Sewer Authority. He would like to see more information on wells and the impact on neighborhood wells. He calculated the density at 62 two-bedroom apartments or 88 single bedroom apartments, which is considerably less than 96. He thinks the plan is fitting a lot into a small area. In regards to building height, he noted that 42ft is tall for that area. He asked about the setback allowances. In regards to reduced parking space sizes, he explained that 130-140 cars is a lot. He asked that all interested parties be notified of changes. Doernenburg clarified that the setbacks for the underlying zoning is 30ft from the roadway and 20ft from the sides. The PUD allows for a 50ft setback.

Michael Bartlett is from Grand Oaks of Petoskey, which is immediately south of this property across 31. He has concerns primarily regarding the density. This is a 53% increase of existing density. 11 units per acre would be 89 units. The proposed is still 10% over the allowable amount. In regards to the building height, with the slope, some of the buildings could be moved further north, which would make the height less of a concern. He is opposed to the building being that close to 31.

Tom Banks is also a neighbor who is concerned about parking. There are 96 units proposed and 192 parking spaces, which is 2 per unit. He noted that there is no overflow parking for guests or extra cars.

Applicant Rebuttal:

Mansfield explained that two cars per unit is standard. The parking will balance itself well and this fulfills the market demographic study. He noted that parking also effects soil erosion, which is a concern. He would be okay with removing the outbuilding along the highway. There is going to be a large wellhouse. In regards to density, to make it affordable, it needs to be in the 10-12 units/acre range. Some cities have approved 20-30 units/acre density. Regardless of if it is 88 or 96 units, the footprint of this plan will likely stay the same. They are going to use the land to the extent that they can. The reason for the building height modification is to accomplish a better looking roof. It would be cheaper for the developer to go for the reduced height, but it would be out of character for the area. He feels he can get this in the 33ft range and still maintain something architecturally important. They would have a type 1 water system with the State of Michigan. In regards to the sewer, he noted that they understand that growth in these communities is expensive and required. He told the developer and the developer does not expect anything from the municipalities when it comes to infrastructure. They agree that they have to pay their share. There will not be many amenities, as this is a small complex. He noted that the traffic will increase with the light and it sounds like the cut through is already an issue. He doesn't think that the traffic would be an overly large concern, but there may be a regional issue that is occurring. In regards to the setbacks, encroachments to the hillside are crucial. He does not want to have a road to the highway, as eliminating curb cuts is a huge issue in northern Michigan. He can take the structure off the west side and bring it back into the site. In regards to parking, the 10ft standard is an anomaly. The proposal is for 10ft parking between the buildings and 9ft in front of the buildings. If the parking was reduced to 9ft for all of the spaces, he could get the project out of the setbacks.

Board Discussion and Questions:

Radatovich noted that there are only four things that have to be considered with a preliminary PUD (the rest would come at a final): setbacks, height, density, and parking spaces. Doernenburg confirmed, and noted that maintaining the setback along the highway will have the most impact.

Brown asked about the timeframe for adding sewer. Keiser noted that this will be a work in progress for both the developer and the township. There will need to be infrastructure improvements in order for either case to move forward. Doernenburg noted that if the planning commission approves the preliminary plan, it gives the developer the go ahead to look into engineering and sewer.

Brown asked if a wetlands study has ever been done. Doernenburg noted that if there are regulated wetlands, they will need to be identified.

Haven noted that the four variances allow the developer to get a better return on investment.

Radatovich noted that the density would not be a set number of units, rather, it would be calculated based on whatever the R-2 zoning allows. Kargol noted that we always have to make density decisions due to investors. He noted that he has been to an apartment complex that had garages with parking in the driveway.

Haven noted that this project may not even happen if they cannot get sewer.

Cyphert feels we should make a decision tonight to get things moving and then we can discuss the details in the final phase.

Motion by Mays to **approve** Case PPUDP23-01, a request by Doug Mansfield for North Country Drive LLC for a Preliminary Planned Unit Development Residential Overlay for an apartment complex, including two accessory buildings and residential accessory uses, accessed via Pickerel Lake Road within Section 34, Bear Creek Township. The property is zoned R-2 General Residential, is tax parcel number: 24-01-16-34-100-007, with the following addresses: 1385 & 1393 N US 31 HWY and 3100 Pickerel Lake Road. Approval is based on the plans and application packet received January 12, 2023 and the facts presented in this case, the applicant has met the standards of Article 16 for a Preliminary PUD-Residential Overlay with the following modifications: the PUD-RO perimeter setback standards will apply as shown on the preliminary PUD plan, with the exception that the perimeter setback along US 31 be maintained at 50ft, the height may be modified to a peak height of 43 feet, that parking spaces may be reduced to include the following: 91 spaces at 10'x20', 87 spaces at 9'x20' and four handicap spaces, and the approval is on condition that the density standards of the R-2 General Residential Zoning District must be met for gross land area of the parcel, and that fire department standards and requirements be met. 2nd by Haven.

Discussion on the motion: Cyphert and Kargol are both okay with the height modification. Cyphert noted that you will see a gradual decline of the rooftops because of the slope. He would rather have that than a flat roof.

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

Passed

The Planning Commission went into recess from 8:36-8:43pm.

IX. Case PPUDP23-02 Johnathan Lee for Willow Creek Development LLC (etc.), PLANNED UNIT DEVELOPMENT RESIDENTIAL OVERLAY, Woodridge Drive, US 31 Hwy & Pirates Way, Bear Creek Township

Tammy Doernenburg gave a background on this case:

Doernenburg shared that this PUD-RO request is accessed through Woodridge Dr. This proposal includes 10 properties, which are zoned R-1 and R-2 and total 22.8 acres in size. Of this, 17 acres are upland and 5.8 acres are wetland. Clarification is needed on these, specifically on the wetland delineation. The applicant proposes to develop 20.64 acres and owns all but one of these properties. The proposal includes a parcel which crosses Woodridge Dr. There was a letter from that property owner that discussed their concerns. The applicant proposes to develop 20.64 acres at 11 units per acre. 2.16 acres would be dedicated to a public park. The proposal includes access from a private road: Woodridge Dr. There would also be access to 31 Hwy. There is also a possibility of access to Manvel Rd. Doernenburg showed the existing topography, but the wetlands need to be identified. The proposal is to allow for 262 multifamily condominiums and some B-1 uses in the area zoned R-2. The property will not be rezoned, rather, this will be an overlay. Access to the county road and state road exist. Because there are no new accesses proposed, road agency review is not required. Doernenburg provided this to the road commission and MDOT and MDOT was not concerned about this proposal. The Emmet County Road Commission has yet to respond. The fire department cannot comment because there was not enough detail to determine requirements. There were public comments from the owner of Culvers. He is concerned with stormwater management. Another public comment came in regarding concerns with density, environmental protection, and setback standards. One modification requested is for a reduction in the perimeter setback. They are also requesting height modifications, reduced parking, and setback modifications to the wetland. The ordinance in a PUD-RO does allow a property owner to use gross area when determining density. However, it then requires a 60ft setback from Tannery Creek and the wetlands. The proposal is to allow a setback modification to 0ft to the wetlands. The fifth modification is for B-1 uses in the R-2 area. The proposed parking is 1.5 spaces per unit, with 0.5 spaces in reserve. There are two options for parking. The proposed setback reductions would be from 50ft to 20ft on the east property line. They are also requesting from 100ft to 50ft to allow for several buildings to be 42ft tall. Lastly, they are requesting from 60ft to 0ft as the wetland perimeter setback. If the preliminary is approved, then the applicant can proceed with a final PUD overlay. Surrounding uses include a lumber yard, putt putt golf, and a restaurant to the north, a gas company to the east as well as a hotel, and single family residential homes along Woodridge Dr and across Country Club Rd. The Emmet County Master Plan Future Land Use Map shows the property as high density residential. Bear Creek Township Future Land Use Map shows the property as medium density residential. There is a concern with the sanitary facility- there would need to be upgrades done in order for this plan to move forward. There are some sketches that show some access details. The access would come in through Woodridge Drive and continue out to the highway. Woodridge Dr exists for single family dwellings. The plan would be to continue the drive. The park area is identified and that area would be undeveloped and open to the public. That allows for a density bonus according to the ordinance. The parking plan is requesting a modification to 1.5 spaces per unit rather than the required 2 spaces per unit. Doernenburg shared the layout of the proposed buildings, for 262 units total. Doernenburg shared photos of the site. There are cattails through the wetlands. This is a preliminary PUD-RO with several modifications requested. The density is not requested to be modified, however, they are proposing to utilize the R-2 density for all the properties zoned R-1 and R-2.

The applicant shared regarding this case:

Johnathan Lee shared that they originally tried to accommodate a lower density housing on this property, but for economic reasons, it isn't possible. They have done a tremendous amount of studies and have come up with the best use of this property. They are looking to address the housing issue and to create an inventory to accommodate the people who want to live and work here. Lee shared that this property has a fall between the southeast corner to the northwest corner of 70ft elevation drop. The slope will accommodate the height of the buildings and help with the transition. All of the units have an indoor parking place with the exception of three units. There is a class B road on the property that they brought in, as well as a sanitary line. The sewer line goes across the property and

under the easement. This is an eight inch line that goes out to the highway. He received the email from the engineer and understand that there is a system upstream. He can accommodate that sewer in the project. There is also natural gas, electricity, and communication on the property. There will be a type 1 water system for the project and they will meet all requirements for fire suppression. Lee recognizes the need for single family housing- he started with those units in front. The units will be some medium density: 2-3 bedroom units ("ten-plexes"). Then there will be a mixed use with one and three bedroom units, and each of those will have parking underneath. As far as other uses, they will be asking for a managers office, maintenance shop storage, community space, fitness center, and some convenience shops, such as a coffee shop or salon. He would like to keep the Tannery Creek as an asset to the community. This would be an association so it would be maintained by the community. He is requesting 1.5 parking spaces per unit. He recognized that there is water on the site and has found the sources of water. The stream bleeds the water down the hill. He is asking for the EGLE accommodations for the wetland setbacks. The 60ft of wetland setback is reducing their acreage by 3.5 acres. That is a significant amount of land being used in setbacks. He is not asking for a setback from the waterway. They would like to use a stormwater harvesting system because there are a lot of permeable surfaces. The stormwater harvesting would be used for irrigation and other aspects. He is also looking into groundwater collection management. He noted that the hydrostatic pressure from the water flows down the hill from developments up the hill. The value of this property is that they are going to accommodate the water in a way that is manageable.

Kargol is concerned because this is a highly permeable piece of property. There is already a lot of flooding on 31. The water from Country Club and Manvel run through this property and out to the highway. There is no natural place for this water to go. Building this out will eliminate the natural, permeable soil.

Public Comment:

Chris Winter lives on Woodridge Dr. When they first sat down with Johnathan Lee, there were four homeowners. At that time, Lee's plan was to build modular homes, and they were told he was not going to demolish the trees (which has since occurred). Winter noted that they are a single family community and Lee wants to put in condos. There is overflow parking proposed between their home and the neighbors. Winter expressed opposition because Lee has not accommodated the current homeowners, or lived up to the promises of a pavilion and sidewalks.

Tom Urman asked about the road agency approval. If Pirate's Way is used, because it is a private road, approval may be necessary.

Tonya Baldwin explained that Country Club is a private neighborhood. If you were to total all the homes, including subdivisions, from the top to bottom of Country Club, this proposed development would still have more units. There is going to be a large amount of traffic here with nowhere to turn south. This is a poor place for access. Runoff has been an issue for a long time. Manvel is also the location of the basin divide. The purpose of the swamp there is to clean the water before it goes out into the bay. The property is now so wet that the trees are falling down.

Jerry Donnelly is speaking on behalf of his son. He agrees that there are many problems with water on the highway and golf course. In regards to the public park, where would the people go? He is concerned about trespassing. This used to be a quieter area and now there are a lot of people who walk along there. When Johnathan Lee first approached them for the single family homes that are there now, he never imagined 262 units.

Troy Winter is a property owner in Woodridge. They owned a two acre piece just north that they ended up selling with the understanding that it would be 3-4 half acre sized lots. Now Lee is proposing buildings there. They were also told there would be sidewalks and street signs and that has not happened. The neighborhood sign was taken down, so delivery trucks were having difficulty finding the subdivision. When the sign was put back up, it was half the height. They were promised a nice entrance to the subdivision, but that promise was not fulfilled. They are upset that the land that they sold to make 3-4 new homes is now proposed to be 2 buildings and a parking lot. They would not have sold if they had known this would be the case.

Marcia Capen lives at Woodridge Dr. She noted that when she purchased the home, they read a document which outlined details of the property. Today it is much different than what was agreed upon. She was told that the vacant lot next to her would be a single family home, and now it is proposed to be a duplex. She wishes there were not as many units and feels it is so many for their small street.

Denny Keiser noted that the reason the setback for the wetlands is so important is so that there is a natural slowing down of water before it gets to the wetland. With 0ft setbacks it would run right off the roof into the wetland. He would like to see a clarification on the allowable density. In regards to parking, if there are B-1 uses, where are those individuals going to park?

The Planning Commission took a recess from 9:35-9:41pm.

Applicant Rebuttal:

Johnathan Lee assured everyone that integrity means more to him than anything. In regards to the wetlands, he has solved some of them on the property and he will accommodate them. By law, they cannot move water to someone else's property and they are not proposing that. Rather, they are proposing to accommodate it. On the property he put in a drain tile four feet down with a sock drain and gravel around it. It drains off 2ft of water off that property immediately. Across the street, the ground water was 8ft below grade.

He knows what the engineering is on that property and it will be addressed with these accommodations. He asked if a driveway or parking can go in the setback, as that is an impervious surface. He explained that the buildings will be flat-roofed and they will accommodate the water off the roof. He guarantees that it will not run into the wetlands. In regards to the sidewalks, he noted that COVID hit and as this development goes in, they will be able to afford to put these features in. He noted that he is not going to build any paths through other people's property, and noted that the road easement is his property. He said that if he has to give up the B-1 uses, he is willing to do that.

Board Discussion and Questions:

Haven read the memorandum to the Planning Commission from Emmet County Planning, Zoning, and Construction. He explained that he is familiar with the problems that have historically been at this site. There are times to allow variances when it makes sense and does not negatively impact the area, however, this request does not make sense. The variances would only increase the concerns that are already there. Mays and Gunderson agree.

Cyphert would like to see a wetland survey. He feels that the access would be a disaster. Brown asked how long a wetland survey is good for. Jacob Paul noted that they do have a wetland person that is going to survey this property.

Motion by Mays to **postpone** until the next regular Planning Commission meeting PPUDP23-02, a request by Jonathan Lee for Willow Creek Plaza LLC for a Preliminary Planned Unit Development Residential Overlay for a 262 condominium development on Woodridge Drive within Section 34 of Bear Creek Township. The properties include the following properties: Tax parcels 24-01-16-34-100-027, 100-055, 100-056, 100-058, 100-065, 100-074, 24-01-16-34-151-001, 151-102, 151-106, and 151-107. Based on the plans and application packet received January 12, 2023 for the following reasons: need a wetland study and clarification on density, define wetland area on site plan.

Mays then rescinded her motion before it was seconded.

Motion by Radatovich to **deny** PPUDP23-02, a request by Jonathan Lee for Willow Creek Plaza LLC for a Preliminary Planned Unit Development Residential Overlay for a 262 condominium development on Woodridge Drive within Section 34 of Bear Creek Township. The properties include the following properties: Tax parcels 24-01-16-34-100-027, 100-055, 100-056, 100-058, 100-065, 100-074, 24-01-16-34-151-001, 151-102, 151-106, and 151-107. Denial is based on the facts presented in this case and the application packet received January 12, 2023 for the following reasons: the height standards are not met, the wetland setback standard is not met and the plan does not align with the Bear Creek Township Master Plan which calls for the area to be medium density residential. 2nd by Mays.

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

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

Passed

Denny Gunderson left the meeting at 10:03pm.

X. PPTTEXT22-02 Zoning Ordinance Text Amendments- Article 2 Definitions, repeal and replace

Tammy Doernenburg gave a background on this case:

Doernenburg explained that these are draft text amendments and those have gone to public hearing. It will be heard starting on February 9th by the Emmet County Planning Commission. Some definitions were added regarding transitional housing and that is a requirement to meet federal housing standards. Keiser suggested that in the contractor definition we include license, but it wouldn't fit with all contractor's uses, such as landscapers. It was asked if wine should be included in food and beverage processing. Doernenburg does not think so because wineries are defined separately. Could a greenbelt be defined as 20ft wide? That is something that can be suggested. Should shipping containers be not allowed for screening? That is something we can recommend to Emmet County. The definition mobile homes came from the state. That is for single wide homes, not manufactured housing. For the word "structure", should the words "temporary or permanent" be included? For consistency, we should add that clarification. There also needs to be some clarification when it comes to road names being adopted.

Radatovich suggested adding definitions for "event" and "tent".

The Planning Commission decided by voice consensus to recommend **approval** of PPTTEXT22-02, Emmet County Planning Commission, to repeal and replace Article 2, as proposed.

XI. PPTTEXT22-03 Zoning Ordinance Text Amendments- Article 18 Land Use Matrix (Also Articles 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15), repeal and replace

Tammy Doernenburg gave a background on this case:

Doernenburg noted that they have eliminated I-1 and I-2 and made that one district. This would require changes to all articles because it changes the terminology within the land use matrix. They streamlined the uses within the land use matrix and eliminated a lot of specific uses. It may say "retail" rather than a specific business. Some are still called out, such as outdoor display. This makes it more manageable. Home occupations have been divided into three tiers.

Radatovich suggested an annual review of home occupations to see if the business has changed tiers within the year. Doernenburg will check with legal counsel.

The Planning Commission decided by voice consensus to recommend **approval** of PPTTEXT22-03, Emmet County Planning Commission, to repeal and replace Article 18, as presented.

XII. PPTTEXT22-04 Zoning Ordinance Text Amendments- Article 19 Schedule of Regulations (Also Articles 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15), repeal and replace

Tammy Doernenburg gave a background on this case:

Doernenburg explained that this would eliminate the tiered level of density. This would create a flat density of 11 units/acre. It also eliminates the footnote regarding seasonal dwellings. Mays confirmed that the 11 units/acre density is for places where there is sewer or water.

The Planning Commission decided by voice consensus to recommend **approval** of PPTTEXT22-04, Emmet County Planning Commission, to repeal and replace Article 19, as presented.

XIII. PPTTEXT22-05 Zoning Ordinance Text Amendments- Article 22 General Provisions, repeal and replace

Tammy Doernenburg gave a background on this case:

Doernenburg noted that there are supplemental regulations here and some of the duplicates were consolidated.

The Planning Commission decided by voice consensus to recommend **approval** of PPTTEXT22-05, Emmet County Planning Commission, to repeal and replace Article 22, as proposed.

XIV. PPTTEXT22-06 Zoning Ordinance Text Amendments- Article 26 Supplemental Regulations, repeal and replace

Tammy Doernenburg gave a background on this case:

Doernenburg noted that they added a section in the land use matrix. RVs is one of the biggest changes. Some of the RV regulations are not really enforceable, such as the requirement for the RV to be located in the side or rear yard. The 60 day RV dwelling deadline is also difficult to enforce. The new language makes it more clear and in line with what is enforceable. These changes make it more user friendly. They also eliminated some supplemental regulations that were too restrictive.

The Planning Commission decided by voice consensus to recommend **approval** of PPTTEXT22-06, Emmet County Planning Commission, to repeal and replace Article 26, as proposed.

XV. Public Comments:

Earl Bash asked about the proposed density changes. Doernenburg explained that the township will recommend to the county, and it will likely not go to the county board until April.

XVI. Other Business:

Andrea Jacobs- Potential Housing Project

Andrea Jacobs introduced her assistant. In light of the development pressure we have been facing, she would like to focus on a major pressure point in the area, which is the intersection of Division and Mitchell. She is looking to have a meeting where we can gather to learn and discuss the future plan for this area. She would like to meet in April and create a sub-area Master Plan that includes that intersection and Mitchell Park. This would give us time to consider an extension or sidewalks, crosswalks, etc. She feels we could do some mixed use and create a micro-economy outside Petoskey. This would focus on the traffic pressure in the area. Brown suggested a joint meeting with the township board, and likes the idea of doing this ahead of the master plan. This is a more proactive approach. The planning commission agreed to meet on April 12th for this joint meeting.

Industrial Zoning Districts/Master Plan-discussion

Doernenburg noted that there are property owners on either side of Fochtman Industrial Park that would like to expand the industrial area. If we think this is something that is acceptable, we can pursue it and make sure it is included in the master plan. The planning commission is open to the suggestion.

Site Plan(s) approved administratively- UPS- 1995 Fochtman Industrial Park Drive and Goodwill Industries, 2154 Anderson Rd

Doernenburg noted that UPS just did an expansion off the backside of their building. Goodwill is still working on their site plan.

XVII. Next Meeting: February 22, 2023

XVIII. Adjournment: 10:38p.m.

Respectfully Submitted,

Emma Radatovich

Emma Radatovich, Bear Creek Township Clerk

Jim Kargol, Recording Secretary