

## Bear Creek Township Planning Commission Meeting February 22, 2023

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

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

a. Absent: Mays, Kargol

b. Staff in Attendance: Tammy Doernenburg

**III. Pledge of Allegiance**

**IV. Approval of Minutes**

**Motion** by Cyphert to approve the minutes of the January 25, 2023 meeting. 2<sup>nd</sup> by Haven.

**Passed**

**V. 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 the second review for this case. The request is for a special use permit for a contractor's use. The road commission has approved the entrance drive for access. The parcel is zoned FF-2 and is 7.72 acres. The property owner lives across the street and also owns the adjacent parcel, totaling over 25 acres in the vicinity. The applicant is asking for a few modifications: to allow a contractor's use with less than 10 acres, and also to allow the larger building on the site. The updated site plan shows that the dumpster has been moved as well as a commercial access drive, which has been approved by the road commission. The site plan shows parking for vehicles and employee parking. The dumpster shows a screened concrete enclosure. The height standards have been met for the building. Doernenburg showed site photos. There was one letter of opposition and phone call. The fire department reviewed the plan and is requiring a knox box. The applicant provided a memo that indicated that if the property was sold by the current owners that the special use permit would go away. Legal counsel has found that acceptable.

The applicant shared regarding this case:

Lonny Beyer shared that he did everything that was asked. The property is in their name and they are renting it to the business. He does not plan on keeping that special use if he were to leave and sell the property.

Gunderson asked the size of the dumpster area. Is material separated within? Kathy Beyer explained that this is a 25x25ft concrete wall. Lonny Beyer noted that there will be a scrap dumpster inside and he will not be separating materials. This way the materials are recycled and not put in a landfill. The dumpster by the road has also been moved to this location, so the enclosure will house both dumpsters.

Haven noted that our questions from the last meeting have been addressed on the new site plan. Brown read through the motion from the last meeting and confirmed that everything has been addressed.

Public Comment: None

**Motion** by Haven to **approve** Case #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 February 10, 2023 because the standards for a contractor's use have been met with the following conditions: the property owner must maintain ownership of 10 acres minimum, the property owner must live on the property or the adjacent property, the dumpster and outdoor storage of scrap materials must be within the screened enclosure, fire department standards must be met, Emmet County Road Commission standards must be met. This approval allows modifications to 26.32.E due to the deep use setback and natural screening. Further, the Planning Commission waives the requirement for a sealed drainage plan due to the lot coverage of less than 2 percent. In addition, in accordance with the written acknowledgment of the owner dated 2/22/23, the Special Use Permit shall not run with the land and shall terminate at such time as the property owner no longer owns the property. 2<sup>nd</sup> by Cyphert.

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

Yes: Brown, Cyphert, Haven, Gunderson, Radatovich

Absent: Mays, Kargol

**Passed**

**VI. Case PREZN22-05 David Hoffman, REZONING, FF-1 Farm and Forest to I-1 Light Industrial, 01-16-25-100-010**

Tammy Doernenburg gave a background on this case:

Doernenburg shared that this is a rezoning request from FF-1 to I-1. This property is set back from the highway. The surrounding uses include Hoffman's Nursery to the north, Prime Diesel and other businesses to the west, vacant land and residential uses to the east, and Hearthside Grove to the south (which is zoned industrial and has a PUD-RO). Parcels along the highway are zoned industrial and B-1. There is R-2 to the north and farm forest to the east. The Emmet County future land use map shows this as commercial and medium density residential. The Bear Creek Township future land use map shows this as medium density residential with mixed use along the highway. The parcel is 15 acres. In a rezoning, you need to consider all uses within this district. Doernenburg shared letters of opposition from residents of Hearthside Grove and also a letter from the Board of Directors, stating that if this was approved, they would like to see this be heavily screened. Based on aerial photos, there is some outdoor storage of vehicles on the property currently. This will need to be addressed as this land use was not approved. Doernenburg shared some photos of the street view.

The applicant shared regarding this case:

David Hoffman shared his plans to put in larger scale pole buildings for storage, which likely would be for the residents next door to this property. They do a lot of work in that area with the landscaping business, so they are not planning on any industrial use that would disrupt that. There is a natural buffer of 15-30ft that runs along the property line which abuts Hearthside. Most of those trees are 35-50ft in height. Hoffman shared some photos of the site looking outward to Hearthside and some looking in from Hearthside. In regards to the cars on the property, he allowed Prime Diesel to store some of the cars there during their building process, because he did not realize this was against zoning. Hoffman shared a sketch of the pole barns they are proposing to use, which are 30x70ft. This would likely be 2-3 years down the road.

Haven asked if there are other zoning districts that allow storage units- why industrial? Doernenburg shared that the zoning could either be industrial, B-2 or a PUD. Hoffman selected industrial because it would allow for the most storage units. In addition, there is industrial as a surrounding use, so it is consistent.

Brown asked if there were any wetlands or concern of runoff? Hoffman noted that it is flat with no wetlands. In the back of the property is the retention pond for the nursery. He is not concerned about runoff.

Haven noted that the comments from Hearthside are regarding screening. Do they want more screening than what is already there? Kirk Rose noted that he is not speaking on behalf of the board, however, he shared that there is a buffer that is a common area within Hearthside in front of the lots. They own the trees that are currently screening it, so they could control that. He is in favor of this proposal.

Cyphert asked if there is industrial land on either side of this lot. Doernenburg shared that Hearthside Grove is zoned industrial, and the history of Hearthside the original use was a special land use within industrial. Prime Diesel is also industrial. Cyphert noted that although Hearthside is zoned industrial, the use is residential. If we were to change the zoning of this proposed piece, it could be used for a heavier industrial use in the future. Additionally, this is not in line with the future land use map.

Radatovich asked if there is a change of density for the number of allowable storage units between B-2, industrial, and the PUD option. Doernenburg noted that there is not a certain density, but with a PUD there would be bigger setbacks, which would limit the buildings.

Cyphert prefers the idea of a PUD.

Haven noted that this property goes back generations and it is consistent with I-1 zoning nearby.

Brown noted that we need to consider the fact that although Hearthside is zoned industrial, it is being used as residential.

Radatovich noted that during our master plan discussion, we recognized the need for more industrial. There are very few places in the township where it makes sense to have industrial and this is the next logical place for it to expand.

#### Public Comment:

Kirk Rose is in support of the project. He noted that Hearthside is building other lots that are adjacent to industrial uses. He noted that the applicant lives near this property as well, so he is unlikely to want heavy industrial uses. Additionally, the Hoffmans have done a very nice job landscaping within Hearthside, and they want to keep that relationship going. There is a lot of screening to this parcel already and it is likely that the Hearthside residents would use this storage. Again, Rose noted his support.

Tom Urman noted that this was well presented. He remembers the discussion during the master plan meetings that eventually this area may move in the direction of industrial. He noted that the Hoffmans do a nice job within Hearthside.

Tammy Doernenburg noted that in the general provisions of the ordinance, when non-residential uses abut a residential use, a greenbelt is required. During site plan review, the Planning Commission will be able to review this greenbelt to ensure it is adequate. This greenbelt is required in this situation, even if the zoning would be the same.

#### Board Discussion and Questions:

Brown noted that it is not always the best idea to go against the master plan, and he is always cautious of zoning for a particular use. However, there is longevity at the site.

Haven noted that it is consistent with the surrounding area. Hearthside is still industrial, even if it is being used as residential currently.

Cyphert noted that he would be more in favor of a PUD concept, where we have better control. There are a full page of uses that could go in an industrial zone and he is not comfortable with that.

Radatovich feels that this is a great fit. The township is in need of more industrial, and this is the next logical place for it to go. In addition, the purpose of zoning is to protect the neighbors from an adverse effect on their property. There is screening here that can accomplish that. We can achieve more industrial while still protecting the neighbors.

Gunderson thinks it is a good fit.

Brown asked how long the applicant has been at this location. Hoffman confirmed that it is 100 years this year.

**Motion** by Haven to **approve** PREZN22-05, David Hoffman, rezoning, Section 25, Bear Creek Township from FF-1 Farm and Forest to I-1 Light Industrial, tax parcel 24-01-16-25-100-010 because the standards of the Zoning Ordinance for a rezoning have been met including: the location of the property has a deep setback, it is adjacent to Industrially zoned property, this area has been identified for a light industrial use by Bear Creek Township during a public meeting and uses in the area are consistent with the rezoning request. 2<sup>nd</sup> by Radatovich.

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

Yes: Haven, Gunderson, Radatovich, Brown

No: Cyphert

Absent: Mays, Kargol

**Passed**

## **VII. Case PSPR23-001 Jason Kishmish for Grand Management and Development, SITE PLAN REVIEW- Retail Business, 2128 US 131 Hwy**

Tammy Doernenburg gave a background on this case:

Doernenburg shared that this is site plan review for a proposed business at 2128 US 131. It is located on the west side of 131 and is zoned B-2 and B-1. This property is approximately 2 acres in area and was recently split from a 10.52 acre parcel. To the north is zoned B-2, zoning across 131 is B-2 with a PUD overlay, zoning to the south is B-1, zoning to the west is B-2 and B-1, and across Anderson Rd is zoned FF-1 and is under a consent judgement which regulates the land use. There are retail uses across Anderson Rd, vacant land to the west, retail uses to the north, retail uses across 131, and vacant land to the south. Doernenburg shared the proposed site plan, which shows a right in/right out access from 131. MDOT approved that access and issued a driveway permit. The proposed use is an auto parts store. The proposed building meets the setback standards. The parking setbacks are as follows: 10ft on front (meets standard), 10ft on side (meets standard), and 5.5ft on rear (25ft is standard). The proposed building is 71x101ft. This building is proposed to be one story and meets the height standards. 37 parking spaces are proposed with 2 ADA spaces. The driveway is proposed to be paved and a sealed drainage plan was provided. The estimated cost for the drainage system is \$303,802. City water is proposed to be used for the site and the site is proposed to use sanitary sewer. Snow management is shown on the plan. There is a proposed connector for future development to the south. Doernenburg shared photos of the site. Elevation plans show that the height meets standards. Lighting is identified on the plan and can be reviewed administratively. All the proposed lighting is full cutoff. In June 2022 a similar request was denied. Fire department review has been provided. The Access Management Overlay standards apply to this project and need to be discussed. There was a planning consultant's review provided by Beckett & Raeder. We also received a review today from an engineer regarding the right in/right out access. The property owner is still the Flynns, who own the remainder of the adjacent parcel as well.

The applicant shared regarding this case:

Jason Kishmish appreciated the ability to attend the meeting via zoom. He noted that the property is owned by the Flynns but the split has been completed. The proposal is to get the site plan approved and then to close on the property. The property is split and a new parcel ID number has been issued. The parcel in question is a 2.5 acre piece along 131. This plan is very similar to the plan that was submitted last year. There are 10 trees proposed in total. They screened the transformer, which gives them more coverage around that infrastructure. There is a shared common parking area for phase one and if phase two is developed, the parking could be shared along with the approach. He received the fire report today and everything within their site meets the standards of the NFPA. The plans show loading areas. Since the initial submission in 2022, they approached Flynns to secure a permanent access to the rest of Anderson Rd. At that time, an array of issues arose, including who would be responsible for that road. He agrees that it would be burdensome for a party to commit to something like that. Kishmish noted that they are open to allowing cross access through their property to the west once that other property gets developed. He said he can go on record to commit to cross access when the west piece is developed. However, they cannot dictate how, when or where the cross access will lead to Anderson. They should only be critiqued based on what is in their control. They approached the property neighbors to the north about cross access and offered to pay them for that cross access point. However, they did not indicate that they were interested. They have been actively trying to alleviate the community's concerns. He feels that a right in/right out access is sufficient. He noted that there were some engineering constraints on the property. There is a pump station further down the road. He has a duty to his client and a liability to get this approved. He noted that the community was very concerned with the right in/right out. MDOT did a thorough analysis and spent approximately 6.5 months determining where it would go and how it would be oriented. He can ensure that it is safe and easy for cars to get into this site. MDOT was the driving factor on how this approach was designed. Kishmish would like to have the community's support in this plan. He has done a lot of developments in this state and has determined that it could work. He thinks that a right in/right out is safer. He is doing his best to alleviate concerns. His plan does not require a single variance and it meets all the setbacks for zoning. This will make the most minimal impact on the site. This is not a heavily trafficked retail site. He has a plan that will function and is safe for everyone in this community.

Mike Cercoyan is an attorney from Charlevoix who has spent his career in land use for townships and developers. He has worked with Mr. Otto and Mr. Kishmish for 10 years and they have done many successful developments. He would like to point out that this site

plan submission should be looked at as 2.5 acres only. He noted that it happens frequently that site plans are approved conditioned on a transfer of ownership. The plan is for them to take ownership as soon as the site plan is approved. He would like to discuss the access if and when the Flynns develop the property to the west. At this time, the Flynns don't want to commit to where an easement would go. His clients are willing to do a cross access but the Flynns won't commit to a road. He noted that this is a public highway and MDOT has jurisdiction over this highway. In this situation, the state law preempts the local law. The zoning cannot be more restrictive than the state law. MDOT has thoroughly reviewed this and has approved a right in/right out access. He does not believe the township has the authority to add to that. He thinks that the township cannot ask an applicant to try to get an easement from a property they don't control. In regards to the engineering report that just came in today, he feels that there is no data to back this report. He noted that it assumes they have control over the property that they do not have control over. If and when the Flynns develop their portion, then he noted that this developer would commit to an easement from the standpoint of their property. He noted that they do not control the Poquette's property. They cannot expect to get an easement where it is outside of their control. The planner is taking it from the standpoint that this is a 10 acre site plan, but this is not that, this is a 2.5 acre parcel. You cannot use common ownership. His client is the one who spent money on the site plan. They have met the requirements of the zoning ordinance. In regard to the right in/right out access, MDOT controls it ultimately. He believes that the township needs to ascend to MDOT's approval.

Kishmish noted that there isn't a site plan that can prevent people from breaking the rules. A full access here would have been less safe, which is probably why MDOT approved what they did. There is a standard that MDOT tries to use and the liability falls with MDOT, they govern it. Both the client and the developer wanted a full approach and recognize that this limited access will make Phase II less desirable. However, this proposed access is probably safer than a full approach. This is not something in the developer's control. We cannot burden someone else's property like that. They have done their best to alleviate the concerns of the township.

Public Comment: None

Board Discussion and Questions:

Haven noted that the complicating factor is the fact that the Flynns don't know what they want to do with their property. He has no problem with the location of the business. If this was anywhere else, we would want access management. But this is complex, MDOT has approved it.

Radatovich reminded the board of a precedence that was set in a previous case. There was two parcels owned by the same owner on M-119, and we held to the access management plan and required one drive. This is very similar- the Flynns own both parcels and have access to this acreage off Anderson through their other property. In addition, there is a major safety concern with this proposed access.

Brown shared the motion for denial from the previous time this case was visited. The only thing that has changed is the two additional reviews. We have employed the help of Beckett and Raeder and also have the review from Progressive. Despite the fact that MDOT approved it, we have two engineers telling us it is unsafe. Nothing has changed from when we denied it previously. Doernenburg clarified that Beckett and Raeder is a planning consultant and Progressive is an engineer. Cercoyan noted that MDOT looked at safety. He asked if the township is able to add more safety conditions than MDOT? Kishmish noted that the study was an opinion without data. MDOT went deeper into detail. The State of MI did a more thorough analysis and concluded that the proposed access was sufficient.

Otto noted that they were never told that Emmet County hired a consultant. They were never given the opportunity to look at the report; it was just given to them today. He feels that it is up to the public if they want to go to that store. They could exit right and go around to go back home. He noted that the radio station across the street got approved and that is a dangerous access. This is the safest way to do it. They are following the law and MDOT, who said that this is a safe access. He is asking what else he can do as a developer, and feels he is stuck with this.

Brown acknowledged that the developer did due diligence with the neighbors. The planning commission is a recommending body, and the developer will have a chance to go to the county as well.

Radatovich noted that the planning commission is beholden to the safety of the community of Bear Creek and its residents, not beholden to a business. We need to go by the standards of the ordinance, which call for safe and uncontested access.

Cyphert commended the planning commission last year for trying to get safe access, and he encourages that. He does not believe this board was trying to preempt MDOT. He acknowledged that the developer has done a tremendous amount of work, and he is not sure why the owners would not give them an easement. It seems like this would be a convenient access to Anderson due west. He noted that the developer is willing to accept the right in/right out access off the highway.

Otto noted that the Flynns will commit to an easement but not to building the road.

Cyphert noted that this access does alleviate the dangers of someone making a left turn onto the highway. The applicant has complied with everything else. Doernenburg clarified that there is a question as to the rear setback and parking. There is proposed shared parking if the south portion is ever developed.

Radatovich noted that the Flynns own both parcels. If the applicant owned the parcel, this would be a different conversation. Doernenburg clarified that the same owner owns both pieces of land and controls that.

Kishmish noted that a full access is less safe. Doernenburg noted that when she was first approached, her suggestion was for no 131 access at all. The goal was Anderson access only. Brown agreed and was surprised that MDOT granted right in/right out at all.

Otto noted that they were given MDOT approved access to the highway, so they continued with engineering and gave O'Reilly's a deposit. The Flynns don't want cars coming in and out of their property. This property is not free and they are going to make the developer do another soil boring. Otto believes it is a different story than when he first talked to Doernenburg and the supervisor.

Brown noted that the board sympathizes with the developer and recognizes that they have done their due diligence, but our review is of the site plan.

Otto noted that if Anderson was supposed to be the only road, they would have backed out, but MDOT gave them highway access. He didn't know that the board was going to say that the proposed access was not safe. It will be up to the citizens if they want to go to O'Reilly's or not.

Kishmish noted that he appreciates everyone's concern and doesn't want to be the developer that causes heartache in the future. He noted that the township is absolved from this because they are not going to be the governing body for this. He feels that a bigger deal is being made of this than is to come. He has a signed commitment to a client who has put their development plans on hold for this. He had the property split so that the issue of ownership wouldn't come into play. He is happy to commit to a restriction or encumbrance that when the other property is developed, they will open the O'Reilly property for access. He wants the community to see he is willing to work with them to the best of his ability.

Brown noted that we have two new studies, the content of which supports our previous decision.

Gunderson feels that everything looks fine and MDOT says its safe. Down the road, when it gets developed, then there can be a back access.

Cyphert agrees that MDOT said this will work and we cannot control that. We are trying to have access to Anderson Rd as a secondary approach, but the developer says they will live with a right in/right out. The studies say a heavy suggestion for Anderson access, and he agrees with that in an ideal world. Brown noted that right in/right out are rarely used as a main access.

Radatovich noted that we also have to look at safety from a first responder perspective. If an EMT is leaving this property and taking someone to the hospital, they will have to turn right and go around the block, delaying their time to the hospital. The ordinance says that we need to use a side road for access whenever possible, according to the access management overlay.

Haven asked when MDOT supersedes our concerns. The side road is whenever possible, which is why we need to address this on a case by case basis. Cercoyan feels that the access management section or ordinance cannot be more restrictive than MDOT. He noted that the planning commission is holding common ownership against them, but the owner is not the applicant.

Radatovich asked if legal counsel has looked at this. Doernenburg noted they have not. Brown asked if they should. Doernenburg noted that if the planning commission did table it, it would have to be a specific ask. Zoning is one set of rules among many. They don't supersede each other; you have to meet both.

Brown noted that we still go by access management principles, even though MDOT has approved it. Doernenburg noted that they do not conflict. They have a right in/right out, but our access management plan shows that when possible, driveways should be located on a minor side road. Doernenburg noted that MDOT had already approved the right in/right out at the last time when we denied it.

Kishmish noted that the planning commission should not be able to deny this plan based on that. At the end of the day, Bear Creek is a recommending body. It doesn't end today. The developer has made their position clear on common ownership. They do not buy a property and wait for a township to approve it. They are asking the board to vote on something separate and distinct. They will see what the county says about this. MDOT has issued the permit- they could be building that driveway now.

Brown agreed that we are a recommending body, and we will have to move one way or the other.

**Motion** by Radatovich to **deny** Case #PSPR23-001, Jason Kishmish of Grand Management and Development for Site Plan Review – for a retail store, on property located at 2128 US 131 Hwy, Section 18, Bear Creek Township, tax parcel 24-01-19-18-100-062, as shown on the site plan and drainage plan packet dated Received January 13, 2023 because the site plan review standards of Section 20.05.B Vehicular and Pedestrian Circulation have not been met for uncontested ingress and egress and 22.17 Access Management Overlay have not been met based on the facts presented in this case. 2<sup>nd</sup> by Brown.

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

Yes: Radatovich, Brown

No: Haven, Gunderson, Cyphert

Absent: Mays, Kargol

**Failed**

Cyphert asked about the parking within the setbacks. Doernenburg noted that the planning commission has authorization to allow a reduced setback when there is shared parking.

**Motion** by Cyphert to **approve** Case #PSPR23-001, Jason Kishmish of Grand Management and Development for Site Plan Review – for a retail store, on property located at 2128 US 131 Hwy, Section 18, Bear Creek Township, tax parcel 24-01-19-18-100-062, as shown on the site plan and drainage plan packet dated Received January 13, 2023 because the standards of Articles 11, 19, 20 and 22 have been met based on the facts presented in this case and on condition that any exterior lighting and signage be reviewed by the Zoning Administrator, and further on condition that: 1) fire department conditions of approval be satisfied per Section 20.05.C, 2) drainage be maintained in accordance with the maintenance schedule, 3) performance guarantee in the amount of \$303,802 be provided prior issuance of a zoning permit per Section 20.05.G, and 4) access be provided (when available) from Anderson Road to the site per Section 20.05.B and Section 22.17 to provide for safe and uncontested access to the site. Also that a reduced setback be allowed as shown on the site plan where the shared parking is provided on the site plan. 2<sup>nd</sup> by Gunderson.

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

Yes: Haven, Gunderson, Cyphert

No: Radatovich, Brown

Absent: Mays, Kargol

**Passed**

### **VIII. Case PSUP23-003 Theodore Tamm, SPECIAL USE PERMIT, Home Occupation- Commercial**

#### **Kitchen/Catering, 2853 Wessinger**

Tammy Doernenburg gave a background on this case:

Doernenburg shared that the request is for a catering business and commercial kitchen on Wessinger Rd. The request is for a special land use and the property is currently zoned RR. The applicant plans to reside on the property, which is 2.9 acres. The applicant is proposing to use a portion of the lower level for the business. The proposed hours of operation are 8-5 daily and there is no additional traffic proposed. There is no signage proposed. The proposal is to use the existing driveway, which the road commission has deemed acceptable. The fire department has reviewed and will require a minimum of 20ft wide road, able to withstand 75,000lbs, and a turnaround at the end of the driveway. We have received several letters of support. Doernenburg showed photos of the site.

The applicant shared regarding this case:

Teddy Tamm shared that the potential benefits of the special use permit greatly outweigh any detriments to the neighborhood. He will be hosting events offsite, so this will just be used as a preparation kitchen. He showed the distance away from neighboring homes. His sister's home is the closest home, and he has her support. The other neighboring property owner on the remaining three sides is Nick Else, who has a pole barn on his acreage. The screening will be at its lowest when the business is at its slowest. He addressed potential concerns of having a commercial kitchen in a residential neighborhood. In regard to noise from the HVAC system, the distance would help protect from that. The sight issue is addressed by distance and screening. Smell could be a real concern, but he doesn't have anyone close by, so the distance will help with that as well. In regards to traffic, there will be no commercial vehicles driving down there, and he cannot have any food deliveries coming to this location.

Brown asked how he would get supplies. Would he use a personal vehicle? Are there any other employees? Brown suggested meeting with the fire department. Tamm noted that he is not in operation yet, but is planning to shop for produce at local farms and farmers markets. He would set up a contract with a meat purveyor and would pick it up. He is planning to use his own personal vehicle and potentially have a catering van down the line. This is a small operation. He will mostly be catering small dinner parties in people's home, and has no interest in doing weddings. He is the only employee, and he is hoping to be in by May, but is waiting on the electrical. This will be his primary residence. This is the best route, because it is much more expensive to rent or buy a commercial kitchen. Tamm noted that he is building a circle drive at the end, and it will probably be 30ft rather than 20ft. The fire chief did visit the site and did not express major concerns.

Radatovich noted that the building code will probably have more constraints than the fire side. Brown noted that he would need an ancile system. Cyphert asked if this facility would be used as a restaurant? Would there be any catering in the house? Tamm noted there would be no restaurant or catering in the house.

Brown asked if there would be any clients coming to the house. Tamm noted that an average of one client could come to the house per day according to zoning, but he couldn't see a reason for doing that. He has no intention of doing that. Cyphert asked if the applicant would be agreeable to a restriction that the special use permit would go away when he ceased ownership. Tamm has no issues with that. He grew up across the street and has roots there.

Public Comment:

Andrea Jacobs supports the proposal and noted that this is a great way to keep young people in the area is to find ways to make it viable for them to stay.

Tom Urman noted that this is one of the best applications he has seen for a home occupation.

Board Discussion and Questions:

Brown noted that this is a great situation for a home occupation and you won't even know it is there. This is not a heavy use.

Doernenburg noted that in the ordinance revisions, food preparation will be an expanded use to be allowed in farm forest, which abuts this property. Going forward, these types of businesses would be allowable in more places.

**Motion** by Radatovich to approve Case #PSUP23-003, Theodore Tamm, Special Use Permit for a Home Occupation to operate a commercial kitchen/catering business at 2853 Wessinger Trail, Section 24, Bear Creek Township as outlined in the Home Occupation Use Plan and shown on the plot plan, both dated Feb 8, 2023 because the use meets the standards of Section 21.02 and, Section 26.11, based on the facts presented in this case, the use will not conflict with the residential character of the neighborhood, only the occupant(s) on the premises may be employees of the home business, access must be improved as required by the Fire Department and Emmet County Road Commission. 2<sup>nd</sup> by Cyphert.

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

Yes: Gunderson, Radatovich, Brown, Cyphert, Haven

Absent: Mays, Kargol

**Passed**

*Board Recess: 8:58-9:00pm*

**IX. Public Comments:** None

**X. Other Business:**

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

Doernenburg shared a site plan for Goodwill. Snow storage was an issue on this parcel, and they need to open up the snow storage so people can get through. This is in consent judgement, so the plan has to be approved administratively.

Site Plan- 1264 N US 31

Doernenburg shared that Culver's would like to open a second drive through with a hut for people to pay.

Training Opportunities

Doernenburg shared that there is a MSU Citizen Planner class coming up in Boyne City. In addition, if the Planning Commission is interested, Doernenburg can arrange for a planning and zoning essentials class.

**XI. Next Meeting:** March 29, 2023

**XII. Adjournment:** 9:09p.m.

Respectfully Submitted,

*Emma Radatovich*

Emma Radatovich, Bear Creek Township Clerk

Jim Kargol, Recording Secretary