

Bear Creek Township Planning Commission Meeting
October 30, 2019

I. Called to order: 7:15 p.m.

II. Roll Call: Kendziorski, Urman, Coveyou, Brown, Olliffe, Haven, Mays

III. Others in Attendance: Tammy Doernenburg

IV. Pledge of Allegiance

V. Approval of Minutes

- a. **Motion** by Brown to approve the minutes as presented from the Planning Commission Master Plan meetings of August 28, 2019, October 2, 2019, and October 23, 2019 and the minutes of the Regular Planning Commission Meeting of August 28, 2019, 2nd by Olliffe. **Passed**

VI. Case PREZN 19-05 Petoskey 131 LLC, REZONING (B-1 to R-2), 2404 US 131 Hwy & 2287 Anderson Rd, Section 18, Bear Creek Township

a. Tammy Doernenburg gave a background to the case:

i. Doernenburg started by clarifying that these properties are currently zoned B-1, with a request to rezone to R-2. The two properties included are 2404 US 131 and 2287 Anderson Rd. Surrounding properties include the Strathmore Development to the west across Anderson, Meijer to the east across the highway, and Flynn's Pit to the north. To the south is a piece of property owned by the City, which includes two well heads. There are a few dilapidated buildings on the two parcels. There is a residential driveway access from 131. Although safety features have been added to the highway, this is a dangerous area near Intertown. The Master Plan indicates that properties in this vicinity should have access off Anderson, rather than the highway. These parcels are 7.14 acres combined. One parcel is regulated by consent judgement rules. The Future Land Use Map for Emmet County shows this as commercial and high density residential. The zoning map which relates shows that commercial and high density can both be zoned R-2. In 2010, the parcels were rezoned from FF1 to B-1. Haggard's Plumbing and Heating supports the request.

1. Urman asked if there was a PUD on these parcels. Doernenburg clarified there was not. In 2010, the original request was to rezone the area to B-2, but the Planning Commission ultimately decided to rezone it to B-1.

b. Todd Wyett addressed the Planning Commission regarding these properties:

i. Wyett is one of the owners of the property. He made himself available to answer any questions.

1. Olliffe stated that it seems that this rezone would fit with the Master Plan Future Land Use map that we are currently working on.

c. Terry Bailey addressed the Planning Commission regarding these properties:

i. Bailey is with Foremost Development company. He is a consultant for Wyett. Bailey is a developer and builder of Hillside Club Apartments and is still a partner there. He is familiar with the area and is a part of the community. Bailey clarified that this parcel is in early stages; they are still working to put together a consulting team. They are meeting with Benchmark, the engineer, to discuss infrastructure tomorrow. This would be an apartment complex, but the amount of units is to be determined. Bailey is aware of the high demand for housing in the area. He clarified that they are aware of the zoning requirements.

1. Coveyou strongly suggested access off Anderson, in order to remain in compliance with our Master Plan.

a. Wyett is hoping to address that in the site plan. He clarified that if there was an access on 131, it would be right on and off.

2. Urman asked about their plans for infrastructure, specifically sewer.

- a. Wyett confirmed he had a discussion with Denny Keiser regarding this. The Planning Commission would like to check on the sewer capacity.
 - 3. Urman asked about water and wells.
 - a. Bailey would like to tap into the city supplied water, but needs to talk to the city and engineers to see where the water line is.
- d. Audience Comments:
 - i. Carlin Smith stated he supports this endeavor. There is a strong need for multi-family housing in the community.
- e. Board Discussion and Questions:
 - i. Doernenburg reminded the Planning Commission to consider all uses that would be allowed in R-2. She also reminded that it is a downzoning from B-1.
 - ii. Coveyou believes this fits our Master Plan even better than the current zoning. He considers this zoning to be even more consistent because of the nearby development (Strathmore). Coveyou would like to maintain the hill on 131 so that people on 131 would not see down into Lowes and parking lots. He is concerned about views as they come into the city. He suggests maintaining the hill as a buffer from residential to commercial. He would prefer the top of the hill going south to be residential and top of the hill going north to be commercial. In regards to changing the land use in the surrounding area, Coveyou believes there is a strong justification for housing, due to the great need for this in the community. Rezoning may actually be a benefit to the property and area, rather than a detriment. Coveyou also reminded the applicant and the Planning Commission that there is a strong desire for walkable communities. One thing in the site plan we would like to see is walkable trails or sidewalks from the development to the north.
 - iii. Mays asked if the property north of these parcels will remain B-1.
 - 1. Doernenburg confirmed that it will remain B-1 and that these parcels would serve as a great transitional piece. She also suggested we request a rezone or at least an access easement for the piece that the City owns to the south. Access for this new development could come in through the city piece and up into the property.
 - iv. Wyett would like to have two means of access into the property for fire department access purposes. He also noted the consideration of possible sidewalks along Anderson.
 - v. Bailey remarked that this area is the gateway to the city. It is very important to him to make these apartments have an appearance that is highly acceptable and that this will be a wow factor as individuals enter into the city.
 - vi. Coveyou noted that he walked the property... is has a beautiful view and you can't hear the noise from the highway very much.
- f. **Motion** by Mays to recommend approval of case PREZN 19-05, Petoskey 131 LLC, rezoning from B-1 Local Tourist Business to R-2 General Residential on two properties located at 2404 US 131 Hwy and 2287 Anderson Rd, Section 18, Bear Creek Township, tax parcels 24-01-19-18-100-040 & 042, as requested in the application packet dated Received September 11, 2019 based on the facts presented in this case and because the standards for a rezoning have been met: the R-2 General Residential zoning district is consistent with the Master Plan Future Land Use Map and Zoning Plan, the allowable uses are consistent with surrounding uses, the rezoning will not cause adverse physical impact on surrounding properties, R-2 would allow for uses similar to those across Anderson Rd and allow for a transition from commercial to residential uses, the rezoning would not create a deterrent to the improvement or development of adjacent properties in accord with existing regulations. 2nd by Haven.
 - i. Roll Call: Brown, Olliffe, Coveyou, Kendziorski, Mays, Haven, Urman

1. Yes- Brown, Olliffe, Coveyou, Kendziorski, Mays, Haven, Urman
Passed

VII. Case PREZN 19-06 Citizens National Bank for Ronald & Sharon Beer, REZONING (R-1/R-2 to B-1), 2196 E Mitchell Rd, Section 4, Bear Creek Township

- a. Tammy Doernenburg gave a background to the case:
 - i. Doernenburg clarified that this parcel (2196 E Mitchell Rd) sits on the southwest corner of Division and E Mitchell. It is zoned R-1 on the south half and R-2 on the north half. Currently, there is a barn and a house on this property, and the parcel is 2.09 acres in area. The R-2 zoning is consistent with the adjacent parcel. There is B-2 is across the road on the north, B-1 kitty corner and to the east. This parcel is currently shown as mixed -use on the Future Land Use map. Mixed-use is consistent with R-2 or B-1 zoning. Doernenburg reminded the Planning Commission to consider all B-1 uses and conditions. Doernenburg received a letter from the Road Commission, indicating that commercial access would be allowed from either or both roads. She also received a letter of support from Haggard's Plumbing and Heating.
 1. Mays asked if is there a drive off Mitchell right now.
 - a. Haven clarified that there may be an abandoned driveway off Mitchell and that the current access to the property is a residential driveway off Division.
 - b. Doernenburg clarified that there would have to be some sort of access management plan. Most likely there would be one access but there could be two.
 2. Urman clarified that B-1 zoning is lower/less intense uses.
 - a. Doernenburg also reminded the Planning Commission that R-2 would allow for a financial institution.
- b. Matthew Keen addressed the Planning Commission regarding the parcel in question:
 - i. Keen is with Citizens National Bank. He addressed the Planning Commission regarding the ingress and egress concerns. He stated that it is unlikely that they would have an egress off Mitchell. Rather, the goal is to have access off Division. Keen explain that the vision for the piece now is to have a two-story building, with the base level on the lowest point in the property. This base level would be level with Division. The second story would be level with Mitchell, this way from either road, the building would not look out of place. Keen also added that the reason he is not applying for R-2 is because he would like the B-1 setbacks instead. Keen is also working with the Emmet County Road Commission. They are still working on a proposed site plan, but he has a strong desire to be able to work with the Road Commission in order to give them an easement to the property so they could work on adding additional lanes to Division and Mitchell. He suggested adding two more lanes to Division with a deceleration lane to their property. Keen also made note of the utilities on the corner of the parcel. He believes this is a site hazard and would like to see if there would be property to spare to arrange for putting those utilities in the proper spot. Keen would really like to work with everyone and believes this could benefit both parties. Keen confirmed that Citizens National Bank has not bought the property yet, and is trying to do his due diligence before buying the property, which includes this rezoning request. If they are able to get things in line, they believe this could be a wonderful property and location for Citizens National. Keen is also going to work with EGLE to get permits.
 1. Brown asked if the wetlands on the property are the reason for the desire for a two-story building.

- a. Keen clarified that the two-story plan is due to a need for office space. The first story would be the traditional “bank” and the second story would be office space for HR, accounting, etc.
 2. Brown asked if this proposed bank would have a drive-thru.
 - a. Keen said they would like to have a drive-thru come alongside the building and loop around. In this ideal scenario, the drive through customers would not have to drive in the parking lot. Additionally, the pillars could be structured in such a way that they could be converted into more building space in the future (if a drive-thru was no longer needed).
 3. Brown asked if they would keep their other spaces in Petoskey.
 - a. Keen suggested that the office in downtown would be kept, but the rented building would not.
 4. Urman suggested that the southwest corner of the property is very wet. He is concerned about the road widening. It is much needed, but if Citizens National lost too much of the property to the Road Commission, would they have enough to build their proposed bank?
 5. Mays asked for confirmation that the parcel next to this one is Stones Funeral Home.
 - a. Doernenburg confirmed yes, it is. Additionally, she added that the R-2 front yard setback is 30ft and the B-1 front yard setback is 25ft, and this is from the road right of way. If an easement was granted, the setback is still from the right of way, rather than from the easement. On B-1 property, the side yard setbacks are 10ft, and on commercial property in R-2, the side yard setbacks are 20ft. Doernenburg also clarified that the uses are more intense in a B-1 zoned area than in an R-2 area.
 6. Mays suggested a connector between the property and Stones Funeral Home.
 - a. Keen commented that based on the topography, a connector for vehicles would not work, but a walking access may be manageable. He suggested that this could be an option if Stone wanted to use their parking lot on the weekend for overflow, they could have a walking path or bridge (maintained by Stone) to make that happen.
 7. Urman asked if the building would be on the southwest corner.
 - a. Clarification- the building would sit on the northwest corner, with a driveway on the northeast.
- c. Audience Comments:
 - i. James Godzik commented that he met with Tom from Northstar Land Survey, who did a site distance study on the property. Tom conveyed that they met site distance requirements from both Division and Mitchell for commercial access. Additionally, Godzik confirmed that unless the easement is deeded to the Road Commission, they cannot take property away to open up the intersection more.
- d. Board Discussion and Questions:
 - i. Urman feels strongly that the intersection of Division and Mitchell will need to be developed and widened soon.
 - ii. Coveyou believes R-2 zoning is more consistent with the neighborhood and would still allow the landowner to do what they want to do. He would rather give R-2 zoning with variances in setbacks.
 1. Doernenburg clarified that the Planning Commission isn’t allowed to give variances.

2. Coveyou is concerned about the other B-1 uses that don't necessarily fit this corner. Considering Citizens National doesn't own it yet, if they don't buy it and we rezone it as B-1, we open the door for other things that will be uses by right.
 - a. Mays is also concerned about the fact that Citizens National doesn't own the parcel yet.
 - b. Brown mentioned that the ZBA may not give them the variances if they ask for R-2.
 - c. Keen clarified that although the bank does not own the parcel yet, the bank has a purchase agreement on the property, so there is a signed contract in the works already. Keen is simply doing his due diligence before they spend the money on the property. The bank wants to confirm that this would be a buildable spot before buying.
 - i. Coveyou clarified that the purchase agreement is contingent not only on this rezoning request, but also on other things (ex. DNR, EGLE, etc.)
 - iii. Haven pointed out that the other corners are B-1, B-1, and B-2. From his perspective, this rezoning would make the corner more consistent.
 - iv. It was also clarified that at the Master Plan Joint Meeting, when discussing the Future Land Use map, we discussed mixed-use along Mitchell in that area.
- e. **Motion** by Haven to recommend approval of case PREZN 19-06, Citizen's National Bank, rezoning from R-2 General Residential and R-1 One & Two Family Residential to B-1 Local Tourist Business on property located at 2196 E Mitchell Rd, Section 4, Bear Creek Township, tax parcel 24-01-19-04-100-052, as requested in the application packet dated Received October 11, 2019 based on the facts presented in this case and because the standards for a rezoning have been met: the B-1 Local Tourist Business zoning district is consistent with the Master Plan Future Land Use Map and Zoning Plan, the allowable uses are consistent with surrounding use, the rezoning will not cause adverse physical impact on surrounding properties, B-1 would allow for uses similar to those across E Mitchell Rd and S Division Rd, the rezoning would not create a deterrent to the improvement or development of adjacent property in accord with existing regulations. 2nd by Mays.
 - i. Roll Call: Olliffe, Coveyou, Kendziorski, Mays, Haven, Urman, Brown
 1. Yes- Olliffe, Kendziorski, Mays, Haven, Brown
 2. No- Coveyou, Urman

Passed

VIII. Case PSUP 19-014 Sun Petoskey KOA LLC, SPECIAL USE PERMIT, 1800 N US 31 Hwy, Section 26, Bear Creek Township

- a. Tammy Doernenburg gave a background to the case:
 - i. This parcel is located on 1800 N US 31; it is currently zoned B-2 to the depths of the adjacent parcel. The overall site is 27.86 acres. The remainder of the parcel is zoned FF1 Farm and Forest. The B-2 space in the front was allowed to be used for a display lot for up to 15 units. Doernenburg clarified that the detailed plan for the proposed mini-golf course is a conceptual plan, not a site plan. Additionally, a revised version of the original site plan was received today. On the revised site plan, they did remove the structure in front of the site; they also moved the parking spaces that people would potentially be walking through (where campers are pulling in), for safety reasons, but also to fix the parking spaces which didn't meet setbacks. In regards to the proposed expansion, the retaining wall does meet the setbacks. There would be 10 new cabins and 2 back-in sites for campers. In regards to the proposed mini-golf course, only campers would use the golf-course. This would not be for public use. Additionally, the 18 parking spaces allocated for the mini-golf does not meet ordinance requirements (which is four spaces per hole). However, because this will not be for public use, 18 parking spaces may be

enough. The County has not received an updated grading and drainage plan, and estimated cost of drainage would need to be provided before approval. Doernenburg clarified that half of the proposed sites are accessible, which is as required by building code. The proposed campsites would be behind mature trees and to the left when you enter in from the road. Doernenburg clarified that there are two parts to the case tonight- part one is the request for a special use permit for the mini-golf course, and part two goes over the site plan for the campground expansion. Doernenburg stated that there is a letter from the Fire Chief which indicated that there are no concerns. There is also a letter from a neighbor with the same concerns that are in the staff report, but the neighbor was not opposed as long as there was no proposed work on the south (and there is no proposed work there). There is also a letter of support from Haggard's Plumbing and Heating.

1. Mays expressed concerns about having the golf course located right on the highway. She believes people will think it is a public mini course. When they pull in and find out they can't play, this will cause more traffic and congestion.
 - a. Doernenburg shared that same concern with the applicant prior to coming before the board.
 - b. Coveyou agreed- Where would the public go to find out that this was not a public golf-course? When they turn around, there will be congestion in the main bottleneck.
 - i. Mays suggested screening it so that the public couldn't see the golf-course from the road.

b. Brian Stick addressed the Planning Commission regarding the parcel in question:

- i. Stick introduced himself as an employee of Atwell, a civil engineering firm. He passed out large scale site plans that had been updated earlier in the day (as Doernenburg indicated).
 1. Before Stick presented to the Planning Commission, Urman suggested he come back next month with a more detailed site plan and more of the required information. Urman was clear that the board will not be able to make any educated decisions tonight without more information. Haven agreed.

c. Board Discussion and Questions:

- i. Coveyou questioned how campers would get to the mini-golf course.
 1. Stick envisions both walkers, bikers and drivers, which is why there are some parking spots.
 2. Urman is also concerned about this issue. This is a safety concern. There should be a sidewalk, possibly with a fence. Also to consider the fact that the highway is right there, and we should be concerned about the safety of kids on bikes, walking, etc. Urman also has lighting safety concerns.
- ii. Coveyou asked how many sites are on the property collectively.
 1. Stick was unsure but estimated 160 existing and 12 proposed (if the campground expansion site plan passes).
- iii. Urman asked if the front of this parcel was supposed to be green space or overflow parking.
 1. Doernenburg clarified that this was an amendment to allow for overflow parking, which was originally approved in 1972.
- iv. Haven would like to know what the dimensions of the parking spaces are.
- v. The question was raised regarding overflow parking in the summer. The overflow parking is typically full in the summer, with boats and guests and such. The overflow parking lot cannot double as the mini-golf parking lot, because it is already full. There needs to be an additional lot- one for overflow and one for mini-golf.

- vi. Doernenburg clarified that by the ordinance, the mini-golf course would require 72 parking spaces. However, because this is a private course, they may not need this many. They could show data as to why they need less parking.
- vii. Stick clarified that from an operational standpoint, people are coming from hundreds of miles away, there is not many locals that come to visit campers that he knows of.
- viii. Doernenburg noted that if this special use is approved, the original special use for this B-2 area should be removed so that there are not two conflicting special use permits.
- ix. Doernenburg would like to see an overall site plan for the whole parcel. Haven agrees. It would be nice to see the traffic flow throughout the campground.
- x. Coveyou would like to see more detail regarding the retaining wall on the new portion of the campground.
 - 1. Stick clarified this would be 4-5 ft.
- xi. In regards to the fact that this is a private golf course that is NOT intended for public use, Olliffe suggested using a board fence, rather than screening the golf course with trees.
 - 1. Haven suggested signage to help with this dilemma.
- xii. In regards to the campground expansion and the new sites:
 - 1. Urman suggested fencing or some sort of screening so that these sites are not exposed to the highway and commercial district. He also would like KOA to consider sewer capacity for those 12 sites.
 - 2. Mays asked if Ferguson's goes all the way back to the hill. Would the campsites be behind the hill?
 - a. Clarification that the sites would be screened and treed behind the hill behind Ferguson.
- xiii. Consensus that the Planning Commission would like to see a detailed site plan with dimensions and things like fence, traffic direction, dimensions of property, etc.
- d. Part 1: Mini-Golf Course: **Motion** by Mays to postpone until the next Regular Planning Commission meeting case# PSUP 19-014- Part 1, Sun Petoskey KOA LLC for a Special Use Permit for a mini-golf course on property located at 1800 N US 31 Hwy, Section 26, Bear Creek Township, tax parcel 24-01-16-26-300-071, as shown on the site plan and detailed golf course plans dated Received October 14, 2019 and updated October 30, 2019 for the following reasons: to allow the applicant time to provide updated plans to address the following plan deficiencies: parking standards; building details; setback details (addressing discrepancies); estimated drainage system costs; minimum graphic requirements of a site plan; MDOT review; fire department review; other items as discussed including comments on the staff report. 2nd by Brown.
 - i. Roll Call: Coveyou, Kendziorski, Mays, Haven, Urman, Brown, Olliffe
 - 1. Yes- Coveyou, Kendziorski, Mays, Haven, Urman, Brown, Olliffe **Passed**
- e. Part 2: Campground Expansion: **Motion** by Mays to postpone until the next Regular Planning Commission meeting case# PSUP 19-014- Part 2, Sun Petoskey KOA LLC for a Special Use Permit/Site Plan amendment for a campground expansion on property located at 1800 N US Hwy, Section 26, Bear Creek Township, tax parcel 24-01-16-26-300-071, as shown on the site plan dated Received October 14, 2019 and update October 30, 2019 for the following reasons: to allow the applicant time to provide updated plans to address the following plan deficiencies: estimated drainage system costs; minimum graphic requirements of a site plan; MDOT review; health agency review and other items discussed. 2nd by Haven.
 - i. Roll Call: Mays, Haven, Urman, Brown, Olliffe, Coveyou, Kendziorski
 - 1. Yes- Mays, Haven, Urman, Brown, Olliffe, Coveyou, Kendziorski **Passed**

IX. Other Business:

- a. Dare III- PUD Amendment to allow mini-storage
 - i. Zeke Budnik is looking for input on PUD Amendment. He is suggesting storage units on a parcel situated between Glen Haven Circle and Meijer. He would like 20-25 feet between storage buildings. Budnik clarified that currently, this parcel is in a Residential PUD.
 - 1. Coveyou questioned why Budnik would put in storage units instead of residences. As this is already a residential neighborhood, and with the ongoing housing shortage, this seems like an ideal location for more housing.
 - 2. Doernenburg clarified that in order for this to happen, there would need to be a change in the PUD as it would be a change of use.
 - 3. Consensus was that it does not seem consistent with surrounding uses.
- b. PUD Residential Overlay
 - i. Doernenburg would like the Planning Commission's comments and input on the PUD Residential Overlay that is being proposed at the county level.
- c. City of Petoskey
 - i. As stated earlier in the meeting, it may be beneficial to contact the City of Petoskey regarding the piece of property next to the piece that was rezoned this evening. It would be nice to have an access to this new development through the city's property. We will reach out to them regarding an egress.

X. Next Meeting: November 20, 2019, 7:15 p.m.

XI. Adjournment: 9:45 p.m.

Respectfully Submitted,

Emma Kendziorski

Emma Kendziorski, Bear Creek Township Clerk

Jeff Haven, Recording Secretary