

## Bear Creek Township Planning Commission Meeting December 18, 2019

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

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

a. Absent: Brown

**III. Others in Attendance:** Tammy Doernenburg, Dennis Keiser, Kenn Hansen, Katelyn Vincent, Keith Hansen, Karl Glaser, Wendy Castile, Robert Drost, Lisa Skop, Robert Skop, Adam Skop, Jeff Petitt, Don Payzant, Nancy Payzant, Kristi Schuil, Duane Schuil, Connie Millstead, Rob Dunnebeck, Gina Dunnebeck

**IV. Pledge of Allegiance**

**V. Approval of Minutes**

a. **Motion** by Mays to approve the minutes as presented from the Planning Commission Meeting of November 20, 2019 and Joint Meeting with Bear Creek Township Board on November 20, 2019. 2<sup>nd</sup> by Haven. **Passed**

**VI. Case PSUP 19-017 Kristi Schuil, Special Use Permit- Accessory uses on Farm, 2800 E Mitchell Rd, Section 3, Bear Creek Township**

a. Tammy Doernenburg gave a background to the case:

i. This parcel is located at 2800 E Mitchell Rd. It was reviewed in 2016 for a PUD amendment. The parcel is approximately 20 acres in size; it is part of a larger PUD of 80 acres that was approved in 2004. There is an access drive to be used for the residential. There is also a barn and an accessory building on the property. The underlying zoning is R1 with a larger PUD overlay. Based on a 2017 aerial photograph, 6.25 acres of the parcel appears to be in active agricultural use. The proposal is to allow for social events from May to October. The applicant is requesting up to 14 events per month: 2 events which would allow for 150 people maximum and 12 events which would allow for 50 people maximum. The site plan provided shows using the existing access drive and utilizing grass parking on the east side of the access drive. There would be gravel utilized for the access and grass for the parking. The site plan does not show the barn deck, which is shown on the floor plan. The barn is over 2400 sq. ft; it is 2418 sq. ft. according to the site plan. The Emmet County Road Commission review has been requested. The site is a mix of farmland and wetland, and the residential access is proposed to be used. The use adjacent is residential and vacant parcels. No new permanent structures are proposed, however, in the impact statement, it indicated that a tent would be used for some activities. However, the tent is not shown on the site plan. The Fire Dept report has been received. There are 91 proposed parking spaces. The ordinance indicates that parking has to be onsite for all spaces and all spaces must be maintained, which is what is being proposed here. The nearest off premise residence is approximately 480 ft from the barn. The specific criteria for this use indicates that if you would like to have amplified music, it must be in a completely enclosed structure, unless the music is 1000 ft from the nearest off site dwelling. The proposed hours of operation are 8am-11pm. The site is served by onsite septic and a private well. The applicant submitted 287 signatures of support. There is a conservation easement that exists on the property. Little Traverse Conservancy has authorized the use that was proposed in 2016, which was a similar PUD amendment, but that request was denied by Emmet County and recommended for denial by Bear Creek Township. We received a letter of opposition from Molly Werden regarding noise, a concern about traffic and about people driving after drinking on the site. There are two proposed seating options: one with seating inside the barn and on the deck, the second with seating only on the deck.

1. Olliffe asked if this is an existing building.

a. Doernenburg clarified that it is an existing building.

2. Coveyou questioned the conservation easement portion. Is there a tie between this parcel and the development? Do those future land owners have access rights to this parcel?

- a. Doernenburg clarified that this parcel was separated out after that original PUD was approved, and the density and the configuration of the lots did not include the approximately 20 acres in the density calculation. The development behind this parcel is based on approximately 60 acres.
  3. Doernenburg noted that there are some discrepancies between what the ordinance requires and what was provided. The first discrepancy is in site size and setback. The site “shall be 20 acres or larger by description.” The property description shows 19.16 acres with an (M) in parenthesis. That should be clarified. If the parcel truly is only 19.16 acres, it does not meet the ordinance standards. The second discrepancy is a notation in the application packet which indicated that there could be music outside or in a tent. The ordinance requires that all amplified music is in a completely enclosed building unless the music is 1000ft away from off premise dwellings. There are several dwellings within the 1000ft, so outside amplified music could not be permitted. The third discrepancy is the building limitations and ground floor area. The building is 2418 sq. ft. and the deck area was not provided on the site plan.
- b. Kristi Schuil addressed the Planning Commission regarding this property:
  - i. Kristi Schuil noted that she is here to answer any questions presented by the Planning Commission.
- c. Audience Comments:
  - i. Connie Millstead expressed a concern with the noise. She lives close to the barn. Although this case was denied last time, Millstead reported that there are still events happening at the Schuil property, and she can hear people yelling from her house. She wanted to clarify that it is not just the music that causes disruption, but also the voices.
  - ii. Wendy Castile also expressed a concern with the noise, specifically the music.
  - iii. Karl Glaser commented that the proposed request is okay with him.
  - iv. Gina Dunnebeck expressed her concern for herself and her husband, Rob. Not only is it loud, but she is concerned about who will monitor if the event will end at 11. She especially expressed concern if the music is outside in the tent. It provides a disruption for their summer months.
- d. Applicant Remarks:
  - i. Duane Schuil noted that the whole application does not ask for outside music at all. Although the business hours would be until 11pm, they would like to cut off the music at 10pm. If someone was loud after the 11pm cutoff, Schuil noted that it would be up to them as owners to police that.
- e. Board Discussion and Questions:
  - i. Urman questioned the portion of the application which reads, “inside music, may have outside dinner music under tent”. He asked if there would be a tent at all, as it is not shown on the site plan.
    1. Kristi Schuil remarked that they would only have a tent if it was a large event, with around 150 people. They would eat outside under the tent and move inside the barn for music.
  - ii. Urman noted again that the application stated “may have outside dinner music”. This would have to be non-amplified music. He also remarked that the tent is not on the site plan.
    1. Kristi Schuil asked if the tent needs to be shown on the site plan, as it will not always be up.
    2. Doernenburg clarified that the tent should be shown on the site plan.
  - iii. Urman noted that the hours of operation would be 8-11. He asked if the Schuil’s were proposing up to 14 events per month (2 large events with up to 150 people and 12 small events with up to 50 people)?
    1. Kristi Schuil agreed and confirmed that they are proposing 2 large events and 12 small events with up to 50 people.

- iv. Urman asked about the parking spaces- will the conservation district allow for parking where it is being proposed? Additionally, would the conservancy have to come out to evaluate this? This is a more extensive use than before- 91 parking spaces.
1. Duane Schuil noted that the parking simply has to be natural, which is why they are proposing grass parking.
  2. Krisi Schuil noted that they come out every year, and confirmed that she can get approval from the conservancy in writing.
- v. Urman noted that any music amplification would have to be strictly in a closed building. The barn doors would have to be closed, and there could not be amplified music on the deck. Urman also questioned the square footage. If the 2418 sq. ft. does not include the deck, the application will have to be modified if that is to be added. The deck would add usable space, so it would contribute to the square footage.
1. Duane Schuil noted that the usable space is less than 2400 sq. ft. With bathrooms and storage areas, the usable space comes down to less than 2400 sq. ft.
    - a. Doernenburg noted that the ordinance says “the ground floor area of the proposed buildings associated with the uses permitted shall not exceed an area of 2400 sq. ft. Larger buildings may be considered by the Planning Commission based on specific site conditions and characteristics of the neighborhood.”
    - b. Doernenburg noted that you could also require only 2400 sq. ft. to be used for that use instead of permitting the extra square footage.
    - c. Mays asked if the tent adds to the size of the building.
      - i. Doernenburg clarified that the Zoning Board of Appeals considers a tent a structure, so the tent would increase the floor space.
- vi. Urman noted that the property is only 19.16 acres, and the ordinance requires 20.
1. Kristi noted that they have another property that could possibly be added to the total acreage.
  2. Doernenburg suggested adding those additional parcels to the request. She also noted that the ordinance reads “the minimum property size shall be twenty (20) acres or larger by description”. There is nothing in the ordinance regarding smaller parcels that may be considered by the Planning Commission. Doernenburg noted that the 19.16 acres came from the legal description in the assessing database. There is a notation in the database that says there could be an error in the description. The size of this lot should be clarified.
  3. Coveyou asked if we have the ability to accept the parcel as is, with 19.16 acres.
    - a. Doernenburg clarified that the Planning Commission does not have the authority to accept the 19.16 acres.
- vii. Mays noted that the ordinance reads “accessory use shall be effectively screened”. There is screening, but not to the north or east. Does there need to be screening, because events are not permanent? Additionally, Mays is concerned about the distance between their barn and the Little Cedar Drive residences. She is concerned about the music and noise, not about the events themselves. She noted that she has seen a tent set up on the property for an event, and the tent was set to the west by Little Cedar Drive. Because the tent is so close to Little Cedar Drive, she is concerned that even the volume of voices will cause a problem.
1. Duane Schuil noted that the ordinance does not address voices. Additionally, he noted that there is a green fence on the west side of the property. You cannot see the houses on Little Cedar Drive from the property.
- viii. Haven asked if they have ever had an event with music outside in the tent. Additionally, he noted that it is important to take into account the neighbors’ support or concern. He addressed the signatures, and noted that a few of them are from residents of Little Cedar Drive. Haven noted that he does not have a problem with events, but with amplified music.

1. Kristi Schuil clarified that they have not had music under the tent at an outside event before.
  2. Mays noted that although a few signatures were from residents of Little Cedar Drive, the vast majority of the signatures were from people who will not be affected by this. Many of them do not even live in Emmet County.
- ix. Olliffe asked if there was a way to rectify the shortage of 20 acres.
1. Doernenburg noted that they have two additional parcels.
  2. Mays asked if they were small lots.
    - a. Duane Schuil remarked that even the combination of their parcels may not make 20 acres.
- x. Olliffe noted that there is no screening to the north and east.
1. Duane noted that there is a tree line to the east, and to the west, there is the green fence and trees. There are trees across the street to the north, plus there are apples trees that help screen the property.
  2. Doernenburg noted that the distance is far enough that there isn't screening requirements from their parking area to the north or west property lines. She also clarified that it didn't say there wasn't any screening, just no screening shown on the plan.
- xi. Coveyou questioned how they plan to run the operation with the sliding doors to the south closed. In the summer, barn gatherings would get warm with the doors closed. Coveyou also asked if the music has always been played in the barn.
1. Kristi Schuil noted that they were not aware that the sliding doors had to be closed.
  2. Duane Schuil remarked that there are no near dwellings to the south, and that you cannot hear the music inside the barn with the barn doors open. He also clarified that yes, the music has always been in the barn.
  3. Krisi Schuil stated that the loud music was her own in the barn. She is aware of how loud the music is. When her son got married, the music was off by 10 and people were out by 11.
- xii. Coveyou noted that for venues within 1000ft of residences, the guidelines are to have the barn doors fully closed or the music in a fully enclosed building. He asked if they have ever run an event in the barn with the door closed.
1. Kristi Schuil suggested having a removable wall with a door. The sliding doors would stay open, but there would be a removable wall behind it to enclose it.
    - a. Urman asked if this would be a temporary wall.
      - i. Kristi Schuil clarified that this would be a temporary wall that would only go up in in the case of an event with amplified music.
    - b. Coveyou asked what kind of door would be put in this removable wall.
      - i. Krisi Schuil clarified that it would be a standard size door.
- xiii. Coveyou asked if the dance floor would be inside. Would the people inside the tent come inside the barn to dance after the meal?
1. Urman clarified that they would have to bring back a revised site plan with a tent.
  2. Clarification that the tent would only be put up for a large event, with a maximum of 150 people. For an event with a maximum of 50 people, they would be inside the barn.
  3. Kristi Schuil noted that some people leave after the meal, not all go inside the barn.
- xiv. Going forward, Urman would like to see the following things addressed:
1. We would like to see a revised site plan, with exact square footage proposed so we know which areas will be in use.
  2. If there are over 99 people, it would need to be sprinkled, so Urman would like to see this addressed.
  3. It should be specified amplified or non-amplified music. If there is going to be amplified music, the building has to be completely enclosed.

4. Get the acreage settled. If there are additional parcels, add them. We will need the parcel to be 20 acres to move forward.
  - a. Doernenburg clarified that the site plan lists the acreage as 20.03. The 19.16 acres comes from the deed, Perhaps the deed needs to be updated.
5. Urman clarified that the hours of operation would have to be 8-11pm.
  - a. Kristi Schuil assured the Planning Commission that the music would be off at 10 and people would be off the premises by 11.
6. Clarify the number of events on the request. Urman wants to confirm that they are proposing 14 events per month.
  - a. Kristi noted that the small events will not have music. The only music events will be the two large events.
  - b. Mays asked what the plan is if they get more than 2 requests for a large event per month.
    - i. Confirmation that they will deny large events after their cap of two large events.
  - c. Kendziorski asked if a small event could request to have music.
    - i. Kristi noted that the small events would have non-amplified music.
7. Urman would like to see a letter from the conservancy approving the parking area.
8. Coveyou would like to see the deck shown on the site plan, so that square footage could be added.
9. Kendziorski would like to see the tent on the site plan.
  - a. Kristi Schuil asked if a tent is considered a structure.
    - i. Haven clarified that under the county ordinance, it is considered a structure. Doernenburg confirmed.
10. Coveyou would also like to see the removable wall on the site plan if they are considering this.
- xv. Mays asked how they would get air flow in the barn. Additionally, she asked if they have amplified music, would the windows have to be closed in order for the barn to be considered “completely enclosed”?
  1. Kristi Schuil suggested they could leave the barn doors open as far as a legal-size door.
- xvi. Coveyou noted that we need to define “completely enclosed” so that it can be applicable for all spaces.
  1. Katelyn Vincent noted that the definition of an enclosed structure is “a structure with a roof or ceiling and at least two walls which may present fire hazards to employees, such as accumulations of smoke, toxic gases and heat similar to those found in buildings.” She noted that a barn has a roof and at least two walls. Vincent also asked what our noise ordinance is.
    - a. Urman clarified that we do not have a noise ordinance. It is important that the property owner lives on premise so they can regulate and self-police their event center.
- xvii. Wendy Castile asked what the consequence is if they don’t end the noise at 11.
  1. Haven noted that we are not a policing organization. Neighbors will have to complain to law enforcement.
  2. Doernenburg noted that from a zoning standpoint, if this were to be approved, if they violated the terms of approval, they could be brought back to the planning commission and their special use permit could potentially be revoked.
- f. **Motion** by Mays to postpone until the next regular Planning Commission meeting case# PSUP 19-017, Kristi Schuil for a Special Use Permit for social events within the existing barn/deck area for accessory uses on a commercial farm at 2800 E Mitchell Road, Section 3, Bear Creek Township on tax parcel 24-01-19-03-100-014, as shown on the site plan dated Received Nov 20, 2019 for the following reasons: to allow the applicant time to provide an updated site plan showing the tent and

deck area, make sure that 20 acres is the correct description of the property, clarify that music at events is going to be off at 10pm, and if amplification is used, show the solution to enclose the barn, define actual square footage of usable space, which would include the tent if the tent is going to be used, an updated letter from the conservancy, and to define the number of events and music, 2<sup>nd</sup> by Olliffe.

- i. Roll Call: Olliffe, Coveyou, Kendziorski, Mays, Haven, Urman
  - 1. Yes- Olliffe, Coveyou, Kendziorski, Mays, Haven, Urman
  - 2. Absent- Brown

**Passed**

**VII. Case PSUP 19-018 Donald Payzant, Special Use Permit- Accessory Building as a Main Use, 3555 Traverse Heights Dr, Section 34, Bear Creek Township**

- a. Tammy Doernenburg gave a background to the case:
  - i. This parcel is zoned R1; it is 0.78 acres on a private road, and the parcel is vacant. The road is a private winding road with many grades, and it is quite treed in this area. There is a privacy fence across the road from this parcel and it is very well screened. They are proposing to put a garage with a greenhouse in front. They are planning for a house in the future, but are not sure when the house will be built. The garage and greenhouse would be set back behind the future house. The proposed garage has character and is similar to other structures in the vicinity. It is a single story, and the overall structure meets the ordinance requirement of a maximum size of 1200 sq. ft. This accessory building would be 990 sq. ft. An affidavit of use would be required, and that was included in the application- that it is not for commercial use, it is for personal use. The request is for a special use permit for an accessory building as a main use. The owner of this property owns a detached accessory building on an adjacent parcel. If they did not have a detached accessory building on an adjacent parcel, this request could be processed administratively.
    - 1. Olliffe asked if the greenhouse is detached from the garage or attached.
      - a. Doernenburg clarified that it would be attached to the garage.
    - 2. Mays asked if there would be living quarters in the garage.
      - a. Payzant clarified that there would be no living quarters, it would simply be a two-car garage.
- b. Donald Payzant addressed the Planning Commission regarding the parcel in question:
  - i. Payzant is here to address any questions the Planning Commission may have.
- c. Board Discussion and Questions:
  - i. Urman noted that he appreciated the thoroughness of the application.
  - ii. Coveyou asked how the neighbors to the south felt about this.
    - 1. Payzant clarified that according to the bylaws, he had to take this before the Board of Directors of the association. They decided to give it to every neighbor. There were no adverse comments received. The bylaws state that if he doesn't hear back in 30 days, then it will be approved. That was approximately 4 months ago. He noted that the next door neighbor is not sure about the greenhouse, but he is planning to add plenty of screening with trees.
  - iii. Haven noted that the property is adjacent to the owner's residence.
    - 1. Payzant clarified that his intent is to make it one property, but in the event that his children want to split it in the future, he is planning ahead. However, currently, he would like to landscape it so that it looks like one parcel.
  - iv. Mays asked about the future house. If the children didn't build it, or want the property, would the garage go with the lot?
    - 1. Payzant clarified that the garage and the greenhouse would go with the lot in the event that they sold that lot. For the foreseeable future, that lot will just be landscaped.
- d. **Motion** by Haven to approve case# PSUP 19-018, Donald Payzant for a Special Use Permit for a Customary Accessory Building without a main use on property located at 3555 Traverse Heights Drive, Section 34 of Bear Creek Township on tax parcel 24-01-16-34-225-103, as shown on the site

plan dated Received Dec 9, 2019 because the standard of Section 26.16.1 have been met based on the facts presented in this case, the building meetings the size standards of the Ordinance and on condition that the building be used for personal use, an affidavit of use be filed with the Register of Deeds prior to issuance of a zoning permit, the building will be consistent with the graphics provided with the application, the peak height will be no greater than 20 feet, and the trees shown on the site plan in the front yard must be maintained. 2<sup>nd</sup> by Mays.

- i. Roll Call: Olliffe, Coveyou, Kendziorski, Mays, Haven, Urman
  - 1. Yes- Olliffe, Coveyou, Kendziorski, Mays, Haven, Urman
  - 2. Absent: Brown

**Passed**

**VIII. Case PSPR 19-009 Forever Forward Hands, LLC (Robert and Lisa Skop), Site Plan Review-Amendment, 2469 N US 31 Hwy, Section 25, Bear Creek Township**

- a. Tammy Doernenburg gave a background to the case:
  - i. This parcel is zoned B2 General Business; it is located on the north side of US 31, and it is a total of 0.86 acres. There is an existing building on the parcel, it was approved for a Special Use Permit in 2012. The change of use was approved administratively in February 2019 for powder coating and no site plan changes were authorized at that time. Adjacent uses are commercial on both sides and there is industrial zoning across the highway. The proposal is to allow four detached 8x20ft storage containers on the side of the building and a dust collector. The parking is currently on the north side of the building, the back, and the front between the highway and the building. The proposed site plan is to allow for the four storage containers and the dust collector to remain on the side of the building, parking on the front between the highway and the building, the dumpster to the back of the building to be screened. There is gravel to the north that could be approved for parking, and then behind the building was previously approved for parking. The floor plan shows that the minimum parking standards have been met. There is commercial access onto US 31. A private well is used for the site and it is served by sanitary sewer. Outdoor lighting is identified, and it is not screened. The proposal is for site plan review to allow four 8x20ft storage containers and the dust collector to remain on the side of the building.
    - 1. Mays asked if the storage containers are free standing or if they are accessible from the inside of the building. She also would like to know what dust the dust collector is collecting.
- b. Jeff Petitt addressed the Planning Commission regarding the parcel in question:
  - i. Petitt helped the Skop's attain this building. He explained that the purpose of the storage containers was to eliminate blight and to collect the materials and things that are going to be powder coated for the business. He explained that there are many car and truck frames, as well as a collection of tires and rims. Rims will be a mainstay for this business. Rather than having a collection of tires and rims around, they would like to get things stored in a designated area where it wouldn't be seen by the public.
- c. Board Discussion and Questions:
  - i. Mays asked if the storage containers are accessible from the inside of the building. She also questioned if these containers could be moved to the back of the building. Lastly, she asked what the dust collector is doing.
    - 1. Petitt clarified that these containers must be accessed from the exterior. The goal is to generate enough money to build a permanent structure there in the future for storage. These storage containers are a temporary solution. The reason the containers are not in the back of the building is that it is important to keep these frames out of the weather as much as possible in order to be prepped for powder coating. Petitt also explained that the dust collector is to be used for sandblasting. When they install a commercialized sandblasting booth in the future, the dust collector will be attached and will collect dust from there. The sandblasting booth has not been set up yet, but they already bought the dust collector when they bought other equipment. Currently, the dust collector is not in use. Eventually, where the containers currently are, when

- they put an extension on, the dust collector will go with the sand blasting booth in an enclosed building.
- ii. Coveyou asked if there is any sand blasting taking place in the storage containers currently. Are the four containers for storage or is there processing happening inside them? Additionally, for a 50x80 building, what prevents them from storing things inside?
    1. Petitt noted that the containers are only being used for storage. They are not storing things inside because there is not enough room.
  - iii. Haven asked if the parking is non-compliant now with the storage containers taking up designated parking spaces.
    1. Doernenburg noted that they have shown that they meet the parking standards now. She also clarified that the storage containers are considered structures under the zoning ordinance.
  - iv. Coveyou asked if they can put the storage containers behind the building.
    1. Adam Skop noted that the fork truck cannot go off road- it has to stay on asphalt. Additionally, they placed the storage containers there based on where the well is.
  - v. Urman questioned where the well is located.
    1. Skop clarified that the well is where the asphalt ends.
  - vi. Coveyou asked if you could put the storage containers back further with the front end on the asphalt and the back end in the grass.
    1. Petitt suggested painting the storage containers the same color as the building.
  - vii. Urman asked if this operation fits into B2 uses or if it is more industrial?
    1. Doernenburg clarified that the use is consistent with B2 as a special land use. It has been cleaned up quite a bit from before.
  - viii. Mays asked if we can ask them to screen the dumpster. She also asked if the dust collector is going to be in a building, and if it is not, if we can ask them to screen it.
    1. Doernenburg noted that their site plan shows a screened dumpster. Additionally, the site plan does not show the dust collector in a building- it shows it out front where it is now.
    2. Urman remarked that we could request that the dust collector be screened.
  - ix. Coveyou asked if the long-term plan is for the sandblaster and dust collector to be in the front of the building, or if that operation could be moved to the back?
    1. Skop noted that the dust collector is already on a cement pad.
    2. Petitt clarified that when the addition goes on, the dust collector will still remain outside.
  - x. Urman asked about the noise the dust collector makes. Could the dust collector be put on the back side?
    1. Skop remarked that once you put the vents on, the dust collector won't be as loud. It would be possible to put the dust collector in the back, but it will lower the efficiency of that unit.
    2. Petitt suggested they could screen and insulate the dust collector rather than moving equipment and ducts to put it in the back.
  - xi. Coveyou asked if there was a way to move the sandblaster and dust collector to the back. It would most likely be easier to do it now at an earlier stage.
  - xii. Mays noted that their plan is to do an addition in the future. The storage containers are temporary.
  - xiii. Olliffe remarked that they are here to update their site plan, to bring it up to date to as it is now.
  - xiv. Urman asked if the outside storage will be going away eventually. He also asked if the storage containers will be painted in the spring. Urman suggested using trees to help with screening.
    1. Skop confirmed that the outdoor storage will be going away.
    2. Petitt clarified that the storage containers will be painted in the spring.



- xv. Denny Keiser asked if you can approve a temporary use.
  - 1. Doernenburg clarified that you cannot approve a temporary use.
- xvi. Mays agreed that screening the storage containers is a good idea, because it would screen the dust collector as well.
- xvii. Coveyou feels strongly that the dust collector needs to be moved to the back, both for screening and noise purposes. It would be difficult to screen the dust collector in the front due to its size.
  - 1. Haven feels the business owner should be allowed to leave the dust collector there, especially because we do not yet know how loud the dust collector is.
  - 2. Pettitt noted that there is a large tree in the front of the building currently. They could put in a few more trees for screening purposes.
- xviii. Mays asked where the dust goes when it goes into the dust collector. Does the dust collector have to be emptied periodically?
  - 1. Confirmation that it has to be emptied occasionally.
- xix. Urman summarized the case: this is a proposed amendment to the site plan. There is the addition of the dumpster, which they are agreeing to screen. There is the addition of the 5x5x17 dust collector. Four 8x20 storage containers adjacent to the existing building. For approval, we would need to screen the front of those containers and screen the dust collector. To monitor the dust collector for noise. The applicant stated that they would take care of the dust collector if there was a noise issue. Also to paint the storage containers the same color as the building.
  - 1. Mays suggested we just screen the dust collector, and have the containers painted the same color.
  - 2. Doernenburg asked where you would plant the trees.
  - 3. Haven noted that where the trees need to go, there is blacktop currently.
  - 4. Pettitt asked if there are any other types of screening.
    - a. Mays suggested a privacy fence.
    - b. Consensus to use trees to screen rather than a fence or wall.
- d. **Motion** by Mays to approve case# PSPR 19-009, Lisa and Robert Skop for Forever Forward Hands, LLC for a Site Plan Review- Amendment at 2469 N US 31 Hwy, Section 25, Bear Creek Township, tax parcel 24-01-16-25-101-001 as shown on the site plan dated Received Dec 9, 2019 based on the facts presented in this case, because the standards of Sections 11.02, 19.00 have been met and subject to the following conditions: 1) there shall be no outdoor storage on display except as shown on the approved site plan, 2) vehicles, equipment, and parts shall only be stored inside the building or structures, 3) outdoor lighting shall be brought into compliance with the standards of the Zoning Ordinance within 1 year of occupancy, dumpster to be screened within 1 year of occupancy as shown on the site plan. The conditions are necessary so that the site plan complies with Articles 20 and 22 Also that the structures be painted the same color as the building and that the structures and dust collector be screened with consistent trees (and that screening will continue to screen roadside structure, minimum height of 9x6), and that, in future, if the dust collector makes a noise nuisance, applicant will address the issue. 2<sup>nd</sup> by Haven.
  - i. Roll Call: Coveyou, Mays, Haven, Urman, Olliffe, Kendziorski
    - 1. Yes- Coveyou, Mays, Haven, Urman, Olliffe, Kendziorski
    - 2. Absent: Brown

**Passed**

#### **IX. Other Business: Drost PUD, 2157 Howard Rd**

- a. Doernenburg explained that in 2018, we approved a PUD and several amendments and site plans for 2157 Howard Rd. The reason we are reviewing this tonight is because the applicant has questions about the details of the PUD agreement. Originally, the PUD was written to allow no uses other than “personal storage.”
- b. Bob Drost explained that his storage units are climate controlled heated storage units, which would allow him to store some unique things that couldn’t go into regular storage. In the past, he has received phone calls from businesses seeking to use his storage units. He gave the following

hypothetical examples: a landscaping business could store hydro seed and mulch and pick it up in the spring when needed, a car dealer could leave antique cars there over the winter months that would then be sold at the dealership in the spring, tables and chairs could be stored by a hotel and be taken out of storage when needed for events, and so on. He clarified that there would be no commercial activity (buying and selling of a product from that location) at the storage units. This would simply be storage units that a business could use.

- i. Mays noted that the key word is “personal” storage. She asked if these storage units would be sold or rented.
  1. Clarification that they would be rented out to commercial businesses.
- c. Coveyou feels that these storage units should be for non-commercial, personal use. The goal would be to have not a lot of traffic in and out... very minimal, low impact. He feels that if someone was making money off what they were storing, then that is not an appropriate use. If it was someone’s personal property, then they should be able to store it there, but that they should not be storing something for their business in there.
  - i. Drost noted that it would be very difficult to “pick and choose” between businesses. Would it be okay if a business was storing something that was not for sale?
  - ii. Coveyou remarked that if someone is selling what they are storing as a daily transaction, then that should be off limits. He does not want transactions to take place there. He also does not want employees coming in and out regularly.
- d. Mays feels that these storage units should be for personal use only, not commercial.
- e. Drost noted that he is trying to sell storage units. He does not want to sell a unit to someone who is going to run their business out of there. His intention is to rent it to someone (business or individual) who is going to use it as storage.
- f. Mays suggested that Drost comes back to the Planning Commission as an official case.
- g. Urman asked Keiser if it affects assessment.
  - i. Keiser clarified that it does not.

*Jeff Haven left the meeting at 10:15pm*

**X. Case #PPTTEXT 19-09 Emmet County Planning Commission, TEXT AMENDMENT- PUD Residential Overlay**

**a. Board Discussion and Questions:**

- i. Coveyou noted that on the section about perimeter setbacks, he would like to add in language that would encourage people not to just level up to the road, but to maintain in the perimeter setbacks, the natural terrain and trees that are already in existence as much as possible.
  1. Doernenburg suggested possible language to be “topography of the setback area shall be maintained to the greatest extent possible and the existing trees stand to shield the property from roadway and adjacent uses.”

*Judy Mays temporarily left the meeting at 10:25pm*

- b. **Motion** by Olliffe to move forward with the PUD text amendments with Coveyou’s comments. 2<sup>nd</sup> by Urman.
  - i. Motion carried by unanimous voice vote of approval.

**XI. Next Meeting:** January 29, 2019, 7:15 p.m.

**XII. Adjournment:** 10:28 p.m.

Respectfully Submitted,

*Emma Kendziorski*

Emma Kendziorski, Bear Creek Township Clerk

Jeff Haven, Recording Secretary