

Bear Creek Township Planning Commission Meeting April 29, 2020

I. Called to order: 5:40 p.m.

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

III. Others in Attendance: Robert Drost, David Martin, Kyle Wright, John Ledig, John Poquette, Jason Thelen, Jonathan Scheel, Ashley Friske, Paul Theriault, Dennis Keiser, Tammy Doernenburg, Brian O'Connor, Alan Hubbard

IV. Pledge of Allegiance

V. Approval of Minutes

- a. **Motion** by Mays to approve the minutes as presented from the Planning Commission Meeting of February 26, 2020. 2nd by Olliffe.

Passed

VI. Case PPUDF19-05 Robert Drost, PUD Agreement Amendment, 2157 Howard Rd, Section 17, Bear Creek Township

- a. Tammy Doernenburg gave a background to the case:

i. Doernenburg noted that this case was first on the agenda in January. This PUD is zoned FF-1 and the access for this property is off of Howard Rd. The preliminary PUD was approved in 2017 and included multiple uses and it was amended in 2018 to be for storage uses only. The first building was built near the backside of the development. Screening has been installed along the road. The lighting is conforming and is exactly how it was proposed in the PUD and site plan approval. Surrounding uses include the former City of Petoskey landfill to the north, residence and non-conforming auto repair shop to the south, residential to the west and a residence to the east. The PUD amendment proposal is to change condition #20. The current condition #20 only allows for personal storage uses. The proposed condition #20 would allow for personal or commercial storage use. No other business operations would be allowed onsite. No hazardous or bulk storage of fuel would be allowed. The rest of the PUD will stay the same, the proposal is to only change condition #20. Doernenburg noted that the question was raised: Could a portion of the buildings/units be approved for this use? Or could this be approved in phases? She noted that this would be difficult to enforce. Drost provided Doernenburg with a copy of the Master Deed, as well as the attachments to that. There was a use there for office, which could be considered commercial. The Fire Department reviewed and had no concerns. The PUD agreement was signed by the Board of Commissioners Chairman, so this would need to go back to the Board of Commissioners for final approval.

- b. Robert Drost addressed the Planning Commission regarding the parcel in question:

i. Drost explained that he reread the Master Deed, and that when the questions were first proposed, this was not registered, but it has been registered now. He addressed a series of questions: First, how would current or future owners of units in the development be bound by deed restrictions? Drost noted that from page 8 of the bylaws, section 1 reads: "the units in the condominium may be used for general storage purposes, and for any other use allowed by local zoning, that is not otherwise specifically restricted by the condominium documents." Drost noted that here, the authority is in the hands of the local zoning. Drost continued that: "Documentation should be in place that includes use restrictions of the PUD agreement, common area upkeep, fee assessments, and enforcement provisions, etc." He then referenced page 5 of the Condominium Buyer's Handbook, which states that "The following items must be provided to each prospective buyer: the recorded Master Deed, a copy of the Purchase Agreement and the Escrow Agreement, this Condominium Buyer's Handbook, and a Disclosure Statement." Drost noted that in these documents are located all the information related to the above-mentioned questions. For example, page 9 of the bylaws, Section 7 "Aesthetics" reads: "The common elements shall not be used for storage of supplies, materials, personal property, trash or refuse of any kind. (In other words, no storage outside the units of any kind.) Any trash receptacles or dumpsters shall be maintained inside the building." Fee assessments are located on page 7 of the purchaser's information packet in Section 6 "Proposed Budget and Assessments" Section B "Proposed Annual Budget". Enforcement is covered in the condominium bylaws, page 3 Section 5 "Enforcement". Drost referenced the concerns of allowing commercial business use in the PUD. It was said that it is difficult to define commercial uses without someone interpreting it to be to support their desire to run a portion of their business out of the units. Drost believes this is covered in the deed

- restrictions which is located in Section 1 “Use”, which reads: “These restrictions are not intended to mean that a unit cannot be owned or used by a person or entity who operates an office or commercial business, it is only intended to restrict access by or traffic from the general public.” In other words, no one can go into these units because it is functioning as a business. Someone who owns or operates a business somewhere else could own one of these units, but could not use this unit to operate their business. Drost believes this documentation spells out the intended use of these storage units and that the language is in place to make sure that it is and will continue to be a respected storage unit in Petoskey.
- ii. Kendziorski noted that she would prefer the slow approach of approving some of these buildings for commercial and leaving the rest as personal use, but is not sure if it is enforceable.
 - iii. Coveyou asked which documents Drost is referring to? He has not seen the new deed. Does the deed reference the condominium buyer’s handbook?
 1. Drost noted that he is referencing the following: the Master Deed, the Purchase Agreement, the Escrow Agreement, and the Condominium Buyer’s Handbook. In each of these documents, enforcement of the Master Deed is discussed. Drost noted that the zoning will come first because that is what was agreed to. He also stated that he can get these documents to Doernenburg.
 2. Doernenburg noted that these documents were sent to the Planning Commission late in the day today. She explained that if this were approved, she would recommend that the Planning Commission ask to tie the PUD into the Master Deed. Perhaps it could be attached as an appendix to the Master Deed. This would help with enforcement issues.
 - iv. Coveyou expressed a concern with future owners. He would like to make sure future owners know what is expected.
 1. Drost confirmed that each prospective buyer gets all of these documents. Additionally, there will be a board which approves these.
 2. Coveyou would like time to look through these documents. He is concerned about the wording and would like to ensure that a business could not buy a unit and use it as their home base- where staff goes to get materials and such. He would like to make sure the wording is clear to protect the community from that.
 - v. Brown has similar concerns; he noted that there is a difference between commercial business and commercial storage. He does not have an issue with commercial storage, but would like to make sure it is defined so it does not turn into commercial business. He would be okay with long term storage, but not day to day. Additionally, even if it is difficult to approve piece by piece, he would like to go slow and approve only part of the development if possible (even if it is tough to enforce).
 - vi. Olliffe asked about the board Drost referenced. Couldn’t the board make more restrictive rules than ours?
 1. Drost noted that the two units that have sold lately are both end units: one with nice cars and one with a boat. The people who are buying these units want this development to be nice and they do not want to see businesses coming in and out with supplies all the time. Drost also remarked that there will be a board which grows with the development, and it is likely that they may make decisions that are stricter than these.
 - vii. Mays asked who would approve the sales of the units. She would like to make sure that the new owner gets all the proper paperwork.
 1. Drost noted that every closing has to go through the title company. Each perspective buyer would get all the documentation. Additionally, he remarked that with a board in place, there would be a cost for violations within the association.
 - viii. Haven noted that having commercial storage seems straightforward, but has reservations with commercial business. He would like to tighten up the language somehow to reference that no commercial business could take place. Coveyou agrees.
 1. Doernenburg noted that she would be more comfortable if the deed included a copy of the signed PUD and if the Planning Commission made the change that that was part of the requirement. Additionally, any time that there have been enforcement issues in the past, Doernenburg noted that he has been responsive. In the future, if there is an enforcement issue, if he could provide contact information to the county that would be helpful.

- ix. Urman noted that on the disclosure statement, it states: “it is recommended that professional assistance be sought prior to purchasing the condominium unit.” If a title company and attorney are involved, potential buyers will have the paperwork and know what they are getting into. Additionally, he remarked that the documentation would police the usage. Urman likes the idea of tying this into the deed. He also noted that the proposed language of condition #20 states: “No business operations may be performed at this facility: not to be used as a home or commercial base for operations.” That language will limit some of the commercial activity and business operations. Additionally, other people who own these units may police this better than we will... they will see traffic coming in and out of the neighboring units.
- x. Olliffe would like to see language added that no home or satellite office would be permitted out of these units.

c. Audience Comments: No comment.

d. Board Discussion and Questions:

- i. Urman would like to see the PUD attached to the deed, and to see some language clarified to help enforce this. The enforcement could be by the association more than the county.
 - 1. Drost will get the signed PUD attached to Master Deed and will work on tightening up the language for condition #20.
- ii. Urman asked about the footage of the gate. He wants to make sure the gate is big enough for trucks.
 - 1. Drost noted that the gate will be large enough, as even larger boats need room to get in. He would like to see a gate in to prevent unwanted traffic. Drost assured the board that although the installation of the gate has been delayed because of COVID-19, money has been put towards it.
- iii. Coveyou would prefer to table this to have more time to read over the new documentation.

e. **Motion** by Mays to postpone until the next regular Planning Commission PPUDF19-05, Robert Drost for an amendment to the Planned Unit Development Agreement for property located at 2157 Howard Rd in Section 17, Bear Creek Township, tax parcels 24-01-19-17-100-019, as proposed by the applicant in the application received 12/27/19 to allow additional time for review and the following: to clear up language of PUD condition #20, to review documentation as referenced by Drost, and to attach signed PUD to the Master Deed. 2nd by Coveyou.

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

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

VII. **Case PSUP20-003 Kyle Wright, Special Use Permit- Contractor’s Use, 1855 E Bear River Rd, Section 33, Bear Creek Township**

a. Tammy Doernenburg gave a background to this case:

- i. Doernenburg noted that this is the second time this case has been on the agenda. It is located in Section 33, on 1855 E Bear River Rd. This parcel was part of a larger acreage that has been split off. This parcel is on the corner of Sterly Rd and Bear River Rd. The applicant brought in a revised site plan- note that each location for outdoor storage has been identified and that screening has been added. Screening is provided along both roads. The proposal includes adding a lean-to to an existing building to square off the building. There was a non-conforming use on this parcel, it was an auto-repair facility and the previous owner had also done some excavation. This owner would like a contractor’s use to do some landscaping there. Doernenburg contacted the road commission about access and they informed her that this is Charlevoix County’s jurisdiction. The Charlevoix County Road Commission noted that they do not require any changes or upgrades to the driveway. There is a business across the road in Charlevoix County. The proposal is to change the use on this 7-acre parcel to a contractor’s use, to square off the building and approve outdoor storage. The Fire Department had no concerns and snow storage is adequate. The dumpster would have to meet the setback minimum of 40 ft from the front road right of way.

b. Kyle Wright addressed the Planning Commission regarding the parcel in question:

- i. Wright explained that he would like to pave the entrance eventually. His goal is to clean up the exterior, gravel the yard, clean up the junk and scrap and put some tree screening in there.
 - 1. Urman noted that this would not be an issue and Doernenburg noted he would need to get a permit from the Charlevoix County Road Commission.

- ii. Kendziorski noted that even if the paving is done later, she would still like to see the entrance get cleaned up sooner rather than later. The landscaping for the entrance shouldn't wait on the paving.
 - iii. Coveyou would like to see it get cleaned up (especially the outside storage). He likes the idea of putting the pipe storage in the lean-to and keeping the equipment parking behind the building. It keeps it out of sight of the road right of way.
 - iv. Brown appreciates the revised site plan.
 - 1. Wright noted that the only change he would like to make is to potentially add more screening. Where the site plan shows 25ft of screening on Sterly, he would like to extend that screening north to the property line.
 - v. Olliffe noted that he would like to get started with screening the entryway as soon as possible.
 - 1. Wright asked if it was possible to start the screening in the fall for the sake of irrigation. He wouldn't want trees to die. Urman noted that that would be fine.
 - vi. Mays asked what the crane mats are for.
 - 1. Wright explained that these are 6x6 or 4x4 mats that are laid on swampy areas. They are made of wood.
 - vii. Haven noted that the revised site plan clarifies the materials and stockpiles. He agrees extending the screening to the fall makes sense.
 - viii. Urman concurs with what was said. He would like Wright to continue to maintain the burm and clean the site. He would like to see the extra trees, and thinks planting in the fall is fine.
- c. Audience Comments:
- i. Dennis Keiser asked how high the screening would be. Additionally, Keiser would like to see something regarding dust control in the motion. Lastly, Keiser noted that these trees need to be maintained (if one dies, it needs to be replaced).
 - 1. Wright noted that these would likely be 8 ft trees.
 - ii. Paul Theriault has talked to Wright about this and has a few concerns. He would like to make sure there is no access onto Sterly Rd (so that there wouldn't be a service road coming out there). He is also concerned about the hours of operation.
 - 1. Urman noted that there is no road on the site plan as it stands now so it would be a site plan amendment if Wright ever wanted to do that. Additionally, the hours of operation proposed are Monday-Friday 7:30-6 and Saturday 8-12. We could add in no holidays or Sundays if that is a problem.
 - 2. Theriault does not feel Sundays or holidays are going to be an issue. He is more concerned with the noise of hauling rocks in and out and wants to make sure that happens during work hours. He would like to have specifications about screening.
 - a. Wright noted that the screening would be from where it is shown on the site plan now to the north corner of the property.
 - 3. Theriault also noted that the dust control is a concern. Additionally, he would like to know how high the crane pads are?
 - a. Haven asked what is a safe height for those piles?
 - b. Wright noted that he has them at about 4-5ft high right now and that is about what he would keep them.
 - iii. Keiser noted that we should clarify the footage of the screening.
- d. Board Discussion and Questions:
- i. Urman would like to add to the motion that dust control be added 2 times per season or as needed, a tree size of 8ft and type of trees to be spruce/pine/fir, and that 8ft screening be added from the northeast corner of the easterly side of the property 200ft to the south.
 - ii. Coveyou noted that we should add no access to Sterly Rd to the motion.
 - iii. Doernenburg suggested that there be a maximum height of the stockpiles as well. The site plan shows 12ft.
- e. **Motion** by Mays to approve case PSUP20-003, Kyle Wright for a Special Use Permit for a contractor's use to operate a landscaping business on property located at 1855 Bear River Rd, Section 33, Bear Creek Township, tax parcel 24-01-19-33-300-019, as shown on the site plan dated 3/17/2020 because the use meets the standards of Articles 8, 21 and Section 26.32, with modifications allowed that the property is less than 10 acres, less than 600 ft wide, building size limitation is allowed to be exceeded as proposed, and owner does not reside on the property, and because the use replaces a non-conforming use with a new

use allowed as a special use in the FF-1 Zoning District. Approval includes the following conditions: the outdoor storage must be screened as shown on the site plan and in accordance with the Zoning Ordinance, the sign must be reviewed by the zoning administrator, outdoor lighting must comply with the Zoning Ordinance standards, dumpster to be screened within six months of approval and must be setback a minimum of 40ft from the road right-of-way, install additional screening along Sterly Rd to the north property line in the fall with 6-8ft tall trees (spruce, pine, or fir) , that these trees be maintained and replaced if needed, any additional trees would be welcome, updating the drive could be approved administratively, dust control needs to be done at least twice a season and as needed, that there be no access on Sterly Rd, and no hours of operation on Sundays or holidays. 2nd by Haven.

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

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

Passed

VIII. Case PPUDF20-01 MKB Holdings, LLC, Planned Unit Development- Amendment to Final Plan and SITE PLAN REVIEW, 4472 US 131 Hwy, Section 30, Bear Creek Township

a. Applicant requested case be postponed.

IX. Case PPUDF20-002 Planned Unit Development- Amendment, Anderson Rd, Section 7, Bear Creek Township

a. Tammy Doernenburg gave a background to this case:

i. Doernenburg noted that the property owner for Chase Bank has withdrawn their request, however, this was a two part case, so we can still discuss if the Planning Commission would be willing to amend the PUD to allow the following things: a drive-thru financial institution, drive-thru restaurant, and outdoor storage. The owners of Pizza Hut and Home Depot authorized going forward with this amendment. This would be preliminary at this stage, site plans would come at a later time. Anderson Rd, Lears Rd, US 131 Hwy and Cemetery Rd are all included in this PUD; the Meadows are not included in this PUD. The PUD starts with the movie theater and Char-Em and is commercial development down to Walmart and Lears Rd. The PUD also includes across Anderson Rd to the highway. The amendment would include additional storage for Home Depot (but only the areas under cover), right alongside the back of the building. The Fire Chief will need to weigh in on the safest place to have this storage. At the old Pizza Hut location, the owner would like the Planning Commission to consider allowing a drive-thru restaurant. The PUD was originally established in 1994 and it has gone through 3 amendments. The consent judgement to the south (which is the Lowe's property and the commercial development that stretches down to the residential on Intertown Rd) does allow for drive-thru restaurants and drive-thru businesses so it would be consistent. Across the road is Art Van; there is a medical office and another office building, a Bob Evans, Applebee's, and the old Pizza Hut. The PUD agreement would need to be amended and the county and township boards would have to approve. Right now, according to the PUD, Home Depot can only have outdoor display in the garden area. This proposal is to approve a preliminary PUD amendment to allow a drive-thru financial institution, a drive-thru restaurant and additional limited outdoor display.

b. John Ledig addressed the Planning Commission regarding the parcel in question:

i. John Ledig is the manager of Home Depot. He asked if any display would be allowed in between covered areas. Doernenburg noted that detail would come later, as this is a preliminary review.

c. Audience Comments:

i. Keiser noted that he and Mays were there when this PUD was created. Times have changed, and there is now a casino behind this development. The intersection of Lears Rd and the highway is the busiest intersection in the township and Anderson Rd is the busiest road in the township. Keiser noted that every year we get calls from retailers asking that this be amended and he thinks the timing is right to go forward with this. We are starting to live in a "new normal" where more people will expect curbside pickup, and things like that. That takes up room in stores to prepare these orders. This would be good for the economy and it could employ more people. An updated PUD would be easier to enforce.

d. Board Discussion and Questions:

i. Kendziorski asked for clarification of what is being approved. Doernenburg clarified that this is a preliminary approval. The updated PUD language would need to be written and approved. If we were to move forward with this, it just gives the Planning Commission's approval to start drafting language for a drive-thru financial institution, drive-thru restaurant, and outdoor storage. Kendziorski also noted that she feels there is a difference between outdoor display and outdoor

storage. It would make more sense to allow limited outdoor display in the front of stores with outdoor storage in the back. Kendziorski noted that she doesn't have a problem with the idea of a drive-up ATM, except for the fact that you would have to be very careful as to where to place it. It could cause traffic and parking hazards. Lastly, she has no problems with a drive-thru restaurant.

- ii. Coveyou noted that he has a lot of respect for this development. For being large box stores, it is very impressive how nice it looks. But because of the quality of this development, Coveyou thinks it is not the right place for a drive-up ATM. He feels the same about drive-thru restaurants. This is the entranceway to Petoskey, and we want to keep it beautiful with lots of greenspace and 50ft setbacks. He would be in favor of another restaurant where Pizza Hut was, but without a drive-thru. In terms of outdoor storage for Home Depot, he feels it should not be in the front, to maintain quality, but that that storage could potentially go behind the store.
 1. Urman asked if the behind the building storage would be for the entire PUD.
 2. Ledig noted that the things that could be displayed in front of the store may include: bulk mulch, soils, split rail fence, and things of that nature.
 - iii. Brown noted that he has a different perspective, as an experienced retail manager and owner. Business owners and managers love outdoor display because it creates good commerce. As a manager, you are always going to make your outdoor display presentable, because that is the entrance to your business. This possibility of outdoor display could open up that plaza for weekend sales. Setting up an outdoor display does not reduce the quality of the store or the plaza. In fact, outdoor display is already being done in that plaza. Amending the PUD would simply make it legal. Additionally, Brown noted that these stores are leasing their property, and the landowner would help govern this to keep it nicely maintained. As far as a drive-thru restaurant goes, Brown is in favor. Lastly, in regards to the drive-up ATM, Brown doesn't have a problem with the concept but it is a moot point, as Chase Bank pulled the request. He feels allowing these three things would generate commerce in our community.
 - iv. Olliffe noted that he doesn't mind having outdoor storage in the back as long as we get Fire Department approval. He also would not be opposed to outdoor display in the front if it was done tastefully. Olliffe agrees with having a drive-thru restaurant but is opposed to the drive-up bank concept.
 - v. Mays noted that she agrees with Brown's perspective, and remarked that outdoor display in the front would only be there seasonally and typically it is done in good taste. She explained that the old Pizza Hut building sits down deep in that site, so she does not have any issues with a drive-thru restaurant. Mays feels there are enough banks in that area and doesn't feel a drive-up ATM is necessary in this PUD. Lastly, she feels storage behind Home Depot would be fine with Fire Department approval.
 - vi. Haven noted that he feels there is a difference between outdoor storage and outdoor display. These stores should be able to drive their products tastefully. He has no problems with outdoor display or a drive-thru restaurant. As far as a drive-up ATM goes, Haven feels this could be an issue with traffic and parking. He agrees to allow tasteful outdoor display in the front of stores and outdoor storage in the back.
 - vii. Urman agrees with Coveyou that this was a very well-done development, however, he feels that times have changed since the PUD was originally put into place. He agrees with comments about making outdoor display tasteful and is in support of a drive-thru restaurant. He feels we should move forward to approve the drive-thru restaurant, outdoor display in front and outdoor storage in back. We would be recommending approval of the preliminary PUD amendment.
- e. **Motion** by Brown to recommend approval of PSUP20-002, a preliminary Planned Unit Development amendment on property located at 1280 Anderson Rd, Section 7, Bear Creek Township, 13 tax parcels, previously known as the RG Properties (PUD approved February 2008), to add limited outdoor display (to be defined) in the front of the buildings, to add limited outdoor storage in the rear of the buildings, and allow restaurants (including drive-thrus), all to be subject to site plan review. 2nd by Mays.
- i. Roll Call: Mays, Haven, Urman, Olliffe, Kendziorski, Coveyou, Brown
 1. Yes- Mays, Haven, Urman, Olliffe, Kendziorski, Brown
 2. No- Coveyou

Passed

X. Case PSPR200-005 John Poquette, Site Plan Review, Amendment 2062 US 131 Hwy, Section 18, Bear Creek Township

a. Tammy Doernenburg gave a background to this case:

i. Doernenburg explained that this site is located on the southwest corner of Lears Rd and US 131. The property is zoned B-2 and is 5.75 acres total. The parcel is developed and the owner also owns three additional parcels, to the west and to the south. Combined, the properties total to 10.5 acres. The property is used for trucking and leasing services and the proposal is to add bulk nursery stock because that is what the ordinance allowed but aggregate is being proposed for this location. All three existing buildings on the site will remain and one fuel canopy. The proposal is to replace the office building and to put aggregate storage along the westerly property line. The proposed aggregate bins do not appear to meet the setback standards on the site plan. There are two additions proposed on the back of the storage and maintenance building, each 40x80ft, and the original building is 7500 sq ft. The proposed office building and additions meet the zoning setback standards. The nine proposed aggregate bins are 20x30ft. The parking appears to be met at 1/2000 sq ft warehouse standards. Currently there is no parking shown for the building with proposed additions. A bulk nursery and distribution center is a permitted use in the B-2 zoning district. There are no new impervious surfaces proposed. The adjacent uses include a restaurant to the north, auto parts store and broadcasting studio to the east, resource fill/transfer to the south. These are all B-2 general business. The properties to the west are zoning R-2 with residential uses. The dumpster is shown on the plan but does not appear to be screened and there is ample snow storage on site. Outdoor lighting does exist on site (no details were provided). Road Commission and MDOT review is pending. The Fire Dept review was received with no comments and the plan is to use the existing sign. This parcel is connected to city water and Bear Creek sewer system. There is no screening shown for aggregate bins or parking and no elevation sketch or details provided for buildings or storage. No trees are shown on the plan and at least 1 deciduous tree per 10 parking spaces is required. Doernenburg received an email from Poquette indicating that this is for aggregate sand and stone, no trees or other common nursery items. They would like to take advantage of clear lines of sight from Lears Rd to have outdoor display of large boulders and colorful landscape rock. All traffic related to the aggregate business are intended to use Lears Rd. There are no changes for the building for fuel.

b. John Poquette addressed the Planning Commission regarding the parcel in question:

i. Poquette noted that in the five-year business plan, they would like to tear down the storage building and put in a new office building on that pad. The other large building there is for storage, no parking needed. He would like to add storage on the west side of that storage building (in the 1-2 year plan). The item that he would like to do immediately is put up aggregate bins on the west property line to sell mainly landscaping products but also aggregates. He was not intending to put trees on Lears Rd because he wanted to use the clear line of site. He is planning to use tree screening on the west bound side of the property.

ii. Kendziorski asked if the office building that would be replaced would be for the same use and same size. Poquette clarified that the building closest to the highway would be a storage building and he would like to move the offices into that building and then the new building would be for storage. Additionally, Kendziorski thinks we need to clean up the site plan and get the rest of the missing information before proceeding with this case. This is a great opportunity to dress up this parcel with screening and some more green space. She would like to see the following issues addressed: aggregate bins to meet 10 ft side yard setback, dumpster to be screened, outdoor lighting details, fire department review, screening for aggregate bins or parking, and an elevation sketch and details for buildings or storage.

iii. Coveyou asked why the bulk seed, feed and nursery stock is on the application if the applicant is selling aggregate. Would customers come to buy mulch? Would there be a retail space?

1. Poquette noted that this would be mainly larger dump trucks coming for pickup, no seed or fertilizer would be sold. There is no retail space, no reason to expect car traffic/parking. This is only going to be for landscaping and excavating companies. The size of the machinery is really too big to be selling to individuals.

iv. Coveyou asked if B-2 is the correct zone for aggregate sales, this is a different use than the fertilizer retail plan. He also noted the highway access management plan should probably be

discussed as it pertains to this parcel. We would need to control the flow of trucks coming out onto US 131 S. He would prefer that trucks exit off of Lears.

1. Poquette noted that trucks enter the property regularly using Lears Rd and the stoplight and exit off the highway.
- v. Olliffe asked if Poquette was planning to add any driveways. If not, why is the highway access management plan involved?
- vi. Mays noted that we need an updated site plan and would like more information about maneuverability. With the additions onto the buildings plus the aggregate bins, she would like to make sure there is enough room for dump trucks to maneuver.
- vii. Haven and Brown both would like more information on the site plan and missing documents and information. Haven has some elevation and drainage questions. He asked Doernenburg about parking. She clarified that there is an acceptable amount of parking.
- viii. Urman asked if bulk aggregate and stone is an allowable use for B-2. Doernenburg noted that what the ordinance says for a permitted use is “bulk seed, feed, fertilizer and nursery stock outlet and distribution center”. B-2 also allows for “mines, quarries, and gravel pits” as a special land use. Seasonal use sales and outdoor display are also permitted in this zoning district.
 1. Coveyou asked where else in the county has aggregate and what zoning district are those in? Doernenburg noted in business, industrial and farm and forest.
 - a. Poquette noted that many go to gravel pits as it stands now. Many go to Afton, MI. There is also a set up of aggregate bins in Charlevoix.
- ix. Urman noted that there are a lot of missing pieces that we need, especially with drainage. There needs to be a place for water to go so that it doesn't go to the next parcel.
 1. Poquette asked specifically what we are looking for- heights on existing buildings? He noted that the site plan has elevation lines.
 2. Urman noted that the site plan review zoning evaluation form goes over many of the missing pieces. Poquette can work with staff on site plan review standards. Additionally, no elevation details were provided on buildings. Location of the loading docks and maneuverability will need to be addressed. We will need an engineered drainage plan.
 - a. Poquette noted that he already runs the largest units.
- c. Audience Comments:
 - i. Jonathan Scheel remarked that he would like to see the Planning Commission use the highway access management plan to limit driveways and make that intersection safer. He feels a Lears Rd entrance and exit makes more sense.
- d. Board Discussion and Questions:
 - i. Coveyou remarked that we need to discuss the access management standpoint. MDOT has been helping us and will continue to help us with redevelopment properties in the township. The goal is safety for people coming in and out. Coveyou feels we need to confine it to Lears Rd.
 - ii. Urman would like to see a new site plan, setbacks, parking, screening, road approval and MDOT comments, dumpster screening, standards page, elevation and drainage. The goal is to make that a safe intersection and business operation.
 1. Poquette noted that they have three businesses: a fueling center, a trucking and truck repair, and now the aggregate bins. The size of trucks that come in for the fueling use the south driveway. Would one access create a hazard on site? Poquette wants to keep a safe flow of traffic.
 - iii. Kendziorski noted that MDOT will always recommend to use the safest option not only for the public but also for the business.
 - iv. Haven noted that there are three different businesses, so MDOT may consider a driveway for each or one drive for all.
 - v. Olliffe asked if Poquette can meet with MDOT. Doernenburg noted that she can work with Poquette and MDOT.
 - vi. Coveyou noted that we still need to discuss if B-2 is the best place for this type of business, as this is usually seen in a gravel pit. He also would like bulk nursery stock taken off the application as this is not what is being sold.
- e. **Motion** by Mays to postpone case#PSPR20-005, John Poquette for Site Plan Review for bulk nursery stock outlet and distribution center including a future office, on property located at 2062 US 131 Highway, Section 18, Bear Creek Township, tax parcel 24-01-19-18-100-003, as shown on the

site plan dated March 9, 2020 for the following reasons: for further review with staff, to allow the applicant time to provide additional information including elevation details, proper setbacks, screening, highway access management, dumpster properly screened, add heights of building to site plan, engineer approved drainage plan. 2nd by Haven.

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

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

Passed

XI. Case PSPR20-002, David Firman, Site Plan Review- Amendment, Contractor's Use, 3529 Howard Rd, Section 20, Bear Creek Township

a. **Motion** by Haven to postpone Case PSPR20-002, David Firman, Site Plan Review amendment to allow an exception to the building sizes at 3529 Howard Rd, Section 20, Bear Creek Township, tax parcel 24-01-19-20-300-014, as shown on the site plan dated February 26, 2020 for the following reasons: applicant was not present to present the case. 2nd by Brown.

i. **Passed by Voice Vote.**

XII. Case PSUP20-009 Jason Thelen for Little Bay Boards LLC, Special Use Permit, Boat Sales, Service/Paddle Board manufacturing and sales, 355 N Division Rd, Section 4, Bear Creek Township

a. Tammy Doernenburg gave a background to this case:

i. Doernenburg noted that this building is the former Kilwins Distribution Center next to the township. It is zoned B-2 and is 0.57 acres. It was a warehouse before it became the Kilwins factory in 1984. Food, beverages, bottling and packaging is acceptable manufacturing in the B-2 zoning district. This proposal would be for boating accessory sales and repair, which is allowed under B-2 zoning, as well as seasonal sales and retail and small-scale craft making. There is no proposed changes to the building, Road Commission review is not required (they would be utilizing the existing access). Signage would need to comply with current standards. There is no dumpster shown but if one was added it would need to comply with the standards to be properly screened. The proposal is to utilize the existing Kilwins factory building to construct and sell Little Bay Boards.

b. Jason Thelen addressed the Planning Commission regarding the parcel in question:

i. Thelen noted that this is a small impact business. They are trying to grow their small company, so it will have a lesser impact than the previous use, as they will not have as much semi-traffic or as many employees.

ii. Kendziorski noted that Thelen does great work and feels this is a great, low-impact use for this building.

iii. Coveyou asked how many employees there are and if they will use the entire space. He also asked about proper ventilation and if any ventilation hoods would need to be installed. Lastly, Coveyou asked if there are any fumes or smell associated with this.

1. Thelen noted that there are currently three employees, but if they grow, they could potentially get up to a maximum of nine employees. They do use the whole space because the boards are built out of larger products. In regards to ventilation, Thelen noted that they will have standard industrial vacuums and standard ventilation for the safety of the employees. Lastly, Thelen remarked that they have no fumes as they are an eco-friendly company.

iv. Brown feels this is a non-invasive use and is a good fit.

v. Mays feels that is a good use for the building. She asked where the employees will park.

1. Thelen noted that there are spaces in front of the building, four spaces along the side of the building and two in the back, so there should be plenty for both the retail use and the employees.

vi. Haven noted that Thelen does great work. He asked about the retail space.

1. Thelen remarked that they do not rely on retail, primarily on online sales, but will have a small retail area.

2. Doernenburg clarified that there would only be 800 sq ft of retail so the parking that is there satisfies the requirements.

vii. Urman noted that Thelen does good work. He suggested having a handicapped sign for one of the parking spaces. He also recommended a hand rail near the loading docks for safety reasons. He feels this is a good use for the property.

1. Thelen remarked that he will not need all the loading docks, but will take all needed safety precautions.

- viii. Mays noted that the lighting needs to be brought into compliance. Doernenburg confirmed.
 - 1. Thelen noted that he would like to make some minor renovations to the outside. He would like to add some greenery, signage and lighting. They only need one of the loading docks, so he is considering putting windows in the other two and creating a green scape or deck to beautify the building.
 - a. Doernenburg noted that most of that can be approved administratively.

c. Audience Comments:

- i. Brian O'Connor noted that this is a great company and glad to support this new space.

- d. **Motion** by Mays to approve case#PSUP20-009, Jason Thelen for Little Bay Boards LLC for a Special Use Permit for a boat, boating accessory sales, boat repair and storage facility to be located at 355 N Division Rd, Section 4, Bear Creek Township. The property is zoned B-2 General Business and is tax parcel 01-19-04-100-010. The approval allows a change in use from a food manufacturing facility and reuse the existing building for wooden paddle board building and sales. There are no changes to the exterior of the building or site, the proposal meets the standards of Articles 11, 19, 20, 21, 22 & 24 or the Zoning Ordinance with the condition that the outdoor lighting be brought into compliance with shielding, that a dumpster, if used, be screened as required by the Zoning Ordinance, no outdoor display is permitted and the new sign be brought into compliance with the Zoning Ordinance, also that minor changes to the building and landscaping can be approved administratively. 2nd by Olliffe.

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

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

Passed

XIII. Public Comment

- a. No public comment.

XIV. Other Business

- a. Enforcement Report

- b. PUD Amendment Introduction- 500 N Division Rd, Section 33, Bear Creek Township- Alan Hubbard

- i. Doernenburg noted that she has an application that came in after the deadline; it is for an L-shaped parcel next to Summit Park at 500 N Division Rd. The applicant is proposing to add part of this parcel to Summit Park. This is not an official case, rather, a preliminary introduction. The portion of the "L" that is next to Summit Park is the portion that is being proposed to be added to the Summit Park PUD. The other portion of the "L" would not be added to Summit Park. Doernenburg has reached out to the property owners of the three parcels (in Summit Park) which are adjacent to this parcel (500 N Division) and all approve of this idea. One thing to note: the front setback for two of the parcels for Summit Park is 100ft from the road. The portion of the property that would be added to Summit Park would be used to enlarge Sign and Design (which is now Pro Image Design). Again, Doernenburg reminded the Planning Commission that this is just to introduce the concept. Johnathan Scheel, neighboring property owner, and Ashley Friske, realtor, are present at tonight's meeting.

- ii. Alan Hubbard of Pro Image Design (he is out of Traverse City) bought Sign and Design six years ago. They are looking ahead to the future of their growing business and are out of space on Creekside Dr. In 2016 they built their new building in Traverse City on S Airport Rd and it is roughly a 12,000 sq ft building. He is looking to do a similar type build on that portion of 500 Division to expand his operation. This would be a 10,000 sq ft building with 2,000 sq ft mezzanine for a total of 12,000 sq ft. The neighboring businesses seem to be in support. Hubbard has reached out to St. Michael's, Michigan Works and the doctor's office (Jarvey). He also reached out to Johnathan Scheel, the neighboring property owner on the other side, and he has been helping facilitate this project.

- iii. Johnathan Scheel noted that he has been working with Hubbard and Doernenburg on this project. The best solution they could arrive at was to add the adjacent part of 500 N Division to the Summit Park PUD. This would come with one caveat: the setbacks. Hubbard would be requesting a 50 ft setback on Division and a 33ft setback adjacent to Scheel's property. This would be used as a private road that would eventually go to the rear of his property and Scheel's property. Scheel noted that he is planning to come in in a few months to request a rezone of his properties, potentially going all the way to the golf course, of multi-family. If they were to put in an access road now, that could be used as an access road for that.

1. Doernenburg noted that she did not know that was the intent of that access road. The ordinance requires a 50 ft setback for an access road for 3 parcels or more.
 - a. Scheel remarked that the remaining 17ft could come from his property. That 17 ft could be included now if needed, whether it be a part of the PUD or an easement.
- iv. Mays asked for clarification of the map. Doernenburg clarified that only the portion of the L-shaped parcel that is adjacent to Summit Park would be added to the PUD.
- v. Coveyou asked how the landlocked parcel would be accessed.
 1. Scheel noted it is not landlocked, it would just be split with the PUD. There would be an access road on the northern part of the parcel (off Division) that would provide access to the backside of the L-shaped parcel.
- vi. Mays asked how big the acreage is behind Scheel's property. Scheel noted it is approximately 4 acres. Mays asked about the 12,000 sq ft building... would there be enough room for the building and the parking, plus the access drive? This would be a long and narrow building.
- vii. Coveyou asked where the access would be from: Summit Park or Division?
 1. Hubbard noted that the building would be following the south line length wise and it would be 65x140 ft. It would be tight to the existing PUD line and the driveway and parking would be towards Scheel's property.
- viii. May's noted that this would create another driveway off Division.
 1. Scheel noted that if this happened, he would immediately remove his two driveways at 506 N Division. In the long term, he would also like to remove his driveway at 530 N Division Rd and the access for his properties would be from the rear. Also in his long-term plans would be to attach the long strip of the L-shaped property to his properties. It would tie that in to the existing parcels on Division.
- ix. Brown asked how wide the back of the L- shaped parcel is. Scheel estimates it is 161 ft.
- x. Keiser remarked that this plan has changed substantially since a month ago since he first heard about this. He was under the impression we would do a PUD all the way down to the golf course. He would like to find a way to tie in the pieces- whether that be via a PUD or via rezoning.
 1. Doernenburg noted that she recalled it that way as well. She suggested to add that strip to the Summit Park PUD because Sign and Design does not fit with R-2 (and R-2 is the only zoning that is consistent with the Master Plan for this area of parcels).
- xi. Scheel feels we have two options going forward: a PUD for the top of the hill from the church to Summit Park and all the way back. That PUD would be zoned R-2 multi-family residential, which is what the township and county master plan shows. However, Hubbard's use of Sign and Design does not fit with R-2. Which is how they arrived at the idea of adding it to Summit Park.
 1. Coveyou does not see a benefit of tying this parcel to Summit Park.
 2. Keiser noted that if we started a new PUD, there would be a 50 ft setback between the new PUD and the existing PUD, which is why adding to the Summit Park PUD instead would benefit Sign and Design.
 3. Coveyou asked if the front setbacks to the road would be the same. Doernenburg clarified that they would be 50ft.
 4. Scheel noted that if we made a new PUD, every parcel except Hubbard's would not meet the 50ft front setbacks, so we would have a string of non-conforming parcels.
- xii. Coveyou referenced Hubbard's parcel plus the land behind it to potentially create a new PUD. Scheel's property could be added. Coveyou asked what the Master Plan calls for. It calls for multi-family there. He noted that Sign and Design would be going in a multi-family zoned area.
- xiii. Keiser noted that what we would be attempting to do is to make a multi-family PUD where the southerly 200ft or so could house Hubbard's business.
- xiv. Coveyou asked how this large parcel would be accessed in the future. Scheel noted that the parcel goes back to Boyer.
- xv. Urman reminded the Planning Commission that we can continue to discuss this at the next meeting. Doernenburg with notify the neighbors and put it on the next agenda.

XV. Next Meeting: May 27, 2020, 7:15 p.m.

XVI. Adjournment: 9:20 p.m.

Respectfully Submitted,

Emma Kendziorski

Emma Kendziorski, Bear Creek Township Clerk

Jeff Haven, Recording Secretary