

Bear Creek Township Planning Commission Meeting

June 24, 2020

I. Called to order: 7:16 p.m.

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

a. Absent: Haven

III. Others in Attendance: Tammy Doernenburg, Dan Armstrong, Erik Brown, Aaron Nordman, Dean Hicks

IV. Pledge of Allegiance

V. Approval of Minutes

a. **Motion** by Mays to approve the minutes as presented from the Planning Commission Meeting of May 27, 2020.
2nd by Brown. **Passed**

VI. 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. Tammy Doernenburg gave a background to this case:

i. Doernenburg explained that this is MKB Holdings LLC for a PUD Amendment to the Final Plan and Site Plan Review at 4472 US 131 Hwy. The site is located on US 131 and W Gruler Rd. It is located on the west side of 131. This has been reviewed in the past and it is 23 acres in area. It is zoned B-2 and FF-1 underlying with a PUD overlay. It includes another parcel in the northeast corner. The mixed-use PUD was originally approved in 1998 for commercial uses along US 131 and 6 single family residential sites in the farm forest area were approved. It was modified in 2007 to allow commercial lots on the west side and the access drive was from 131. In 2012, it was administratively approved to allow indoor storage and boat repair. There were no changes to the site at that point. In 2014 the PUD and site plan were amended to allow for limited outdoor display and storage. There are no proposed changes to the building or to the surface area of the land. On the site plan, it required that winter storage only extend as far south as the building is to the south. At that time, an access to Gruler Rd was also added as well as screening along US 131 and Gruler Rd. There are three boats allowed to be displayed in the front. There are 11 trees planted and three mature trees planted along the highway. There was a sign added this year that was a requirement of the original site plan. Doernenburg noted that there have been some comments of concern, especially about drainage. Wendy Armstrong sent a letter of concern regarding the following points: she feels the site plan is lacking detail and she is requesting that the Planning Commission and board postpone until the August meeting to allow time for the public to review the plan and comment. This proposal is to allow outdoor storage throughout the entire year south of the building. They meet the 50' perimeter setback of the PUD. Additional trees have been proposed along the highway and along the Gruler Rd area. On the site plan, it does indicate the approximate width and depth of the proposed outdoor storage, however, this "bubble" does go into the tree line. Doernenburg suggested that the trees not be removed in order that the drainage continue in the way that it was designed and to screen from the adjacent parcels. The proposal is to amend the PUD and Site Plan to allow for outdoor storage in the summer and winter. There are draft motions available, and Doernenburg suggested that if we move forward with this request, that the previous conditions be included and incorporated into this plan.

David Coveyou recused himself from this case.

ii. Doernenburg noted that there were a few other letters of concern to the Planning Commission that were included in the original packet for this case.

iii. Mays asked if all of the original requests have been brought up to date.

1. Doernenburg noted that the screening has been done and the sign is now complete. The as-built drainage plan was submitted and renewed. Doernenburg, Mitch Brown and Denny Keiser went to the site and reviewed the drainage plan with the manager and engineer and ensured that it was operational and in the location that was approved. It was built as designed.

iv. Olliffe asked if there was storage south of the buildings.

1. Doernenburg noted that in the original site plan, storage was not allowed to the south of the building during the winter, but it is allowed in the summer. We are here today because the applicant would like to have outdoor storage in the winter.

b. The applicant addressed the Planning Commission regarding the parcel in question:

i. Aaron Nordman from Performance Engineering and Dean Hicks, the property manager, presented this case. Nordman noted that they originally applied for this amendment in March and thought this was a minor issue, however, some of the drainage questions have come forward. They had an opportunity to meet with Doernenburg at the site to review these drainage questions and found that the drainage plan had been as-built surveyed back in 2014. It was installed correctly and there is no evidence that the water is bypassing this system or overtopping it. The water is being released through a 4" slow outlet pipe. That

information was reconfirmed on the site visit. The applicants noted that they are opposed to tabling and coming back in another month. From their perspective, they are not looking for detailed site information, as the site will remain mostly the same. They are not proposing to remove trees, rather to add trees. They are proposing to screen an area (for outdoor storage in the winter) so as not to have a large impact on the adjacent property owners. In the power line easement, they would plant lower level trees. The proposal is for the addition of winter outdoor storage; they are not proposing to cut any trees.

- ii. Dean Hicks is the property manager, and noted that they have tried to complete everything that has been asked of them, and want to be good neighbors. The business is expanding and they have the property, so would like to be allowed to store more boats. They will screen as much as they can, possibly planting more pine trees.
 - iii. Brown asked about adding trees in the easement with the power line. Are they allowed to add trees there? Would the power company be able to cut them down?
 1. Nordman noted that they could plant the trees, but the power company would be allowed to cut them down if there was a maintenance issue. However, the power company would allow them to grow lower pine trees (15-20').
 2. Urman noted that if it is an ornamental tree, the power company will try not to cut them down. However, if there was a maintenance issue and they needed to cut the tree, they would have the right to do so.
 - iv. Urman noted that the section that is proposed for winter outdoor storage has the power pole in it. Is some of the dirt going to be removed from this area? It is quite a slope.
 1. Hicks noted that it would be possible to create a bigger berm.
 2. Doernenburg noted that there is an existing berm and this can help act as a screen.
 3. Urman noted that if they move dirt away from the power pole, it would be difficult to access the pole. He suggested that the two spans of wire be buried underground. Then they could remove dirt and add screening without fear of interfering with the power.
 - a. Hicks noted that if they did that, they would make it sloped.
 - b. Mays asked if the power company can come out and bury the wires. Urman noted that they can.
 - v. Olliffe asked if the 8 trees were proposed or planted. Confirmation that they are proposed. Olliffe asked if you could change the route of the driveway so that it would curve (to be able to screen it from the neighbors across the road). He also asked if there would be increased traffic.
 1. Hicks noted that the traffic all goes on the two-track.
 - vi. Brown asked if there were plans to remove any trees along the tree line.
 1. They are not planning to remove those trees.
 - vii. Doernenburg noted that when this case first came on the agenda, Denny Keiser spoke with Jack Jones, Erik Brown and Wendy Armstrong regarding their concerns for this parcel. To sum up their concerns, it is about lack of compliance with the previously approved plan, drainage issues, no retention pond, no stop sign at the drive on Gruler Rd, seeing boats for sale in an unapproved area, etc. At this point, they would like to see the first plan brought into compliance first and then the new plan addressed with more screening and the drainage issues fixed. These letters were provided to the applicant. David and Kathy Coveyou also sent a letter of concern, indicating that their parcel is directly to the north of the property on 131. They felt that an increase in storage during the winter would negatively impact the scenic quality of the area. US 131 is the main entranceway into Petoskey, and so many efforts have been made over the years to keep its scenic and rural quality. The Coveyous go on to say that it should not be approved, but if it was, that they would like to see more than the trees that were proposed. They suggested 3-5 rows of white pines, fast growing, spaced 12' apart. If parking were allowed, it should not go beyond the east edge of the building. Any storage should be seasonal for this area for boats only.
 - viii. Mays asked if this would be strictly winter storage.
 1. Hicks noted that right now, they are allowed to keep empty trailers to the south of the building, but this would allow them to keep boats on the trailers year-round.
 2. Doernenburg clarified that right now, they are allowed to keep boats on trailers in the summer time, so if this winter-time was approved, it would be year-round.
- c. Audience Comments:
- i. Dan Armstrong is a neighboring property owner. He asked when the sign was originally supposed to be put in, because it was just put in last week. He has attended many meetings to help protect the value of his property and the residential qualities. He has noted that each owner of the property in the past has agreed to the PUD at the time of the purchase of the property, then has proceeded to change it. Some owners have threatened to cut down trees if changes were not approved. Some points from the past are now being

brought up to be changed again... for example, this was not supposed to be year-round, but that is what is being proposed. It also was not supposed to be storage, but now it is. Armstrong feels that changing the PUD again will have a negative affect on the area that can never be undone. When the leaves fall, residents who live behind this parcel will have to view more than 100 boats. The business is very busy and there is a lot of traffic on that road. It is an industrial look for the residents. For the property value and the aesthetic purpose, Armstrong asked that the PUD amendment not be approved.

1. Doernenburg noted that the sign was a condition of approval in 2014.

2. Hicks noted that they just put the curb and gutter in.

ii. Erik Brown is a neighboring property owner. He feels that part of the issue is with zoning enforcement.

There is not someone specifically working on enforcement full-time. This past winter, Brown noted that they had boats and trailers up to the tree in the front on both sides. Brown asked if per the 2014 plan, were they allowed to store shore stations or was it just boats and trailers. For the last couple years, they have had boats and trailers and with limited enforcement, the rules have not been followed. In the past, they have not come up to standard, for example, the sign was just put in a couple weeks ago. The traffic is heavy, and they run boats constantly. Brown asked Doernenburg about storm water retention. The current detention berm was installed in his 20' yard setback. He noted that there were several times that the owner worked outside the plans. He noted that the site does not resemble the 2014 plan and asked that this PUD amendment be denied.

1. Doernenburg noted that the sealed drainage plan is on the site where it is located on the plan. The site was checked at the time it was installed and it was checked about a month ago. It was in compliance both times. In regards to the indicated winter storage, it does not define winter storage as to what could be stored.

2. Urman noted that in the way that it was designed, it could be within the 20' from the property line, because the PUD perimeter setback is for structures. He agreed that outdoor storage and display should meet these setbacks as well.

3. Hicks agreed that they were in violation of parking boats this past winter, but they didn't realize that the site plan stated that they couldn't have boats in the south side in the winter. When Nancy sent the letter from the county, they hurried to comply as quickly as possible. They had it in compliance by the first week of March.

- a. Nordman noted that these people are very community oriented and are not trying to violate anything. While there was an oversight in parking boats this past winter, they are not threatening to cut any trees down. There were some trees in the winter storage area that would need to come out, but they are proposing something that they feel they can screen from the public. There is going to be some impact to the neighbors but it will be minimal.

- b. Hicks noted that there is some dead ash that they cut so that it would not fall on the boats.
 - c. Armstrong referenced an old site plan which read "Significant trees will be cut down if this is not approved". He is concerned about looks and is going based on past experience with owners of this property. It seems like a simple change for the owner, but it is the residents who will have to live with it. He feels that things were being checked off for the meeting, rather than being put into compliance when they were supposed to be.

- i. Hicks noted that he came onto this job after the 2014 plan was approved.

d. Board Discussion and Questions:

- i. Brown asked if the proposed additional winter storage is defined, and if not, could we define it. He also asked if there were shore stations and asked about the tree line in the proposed storage area. Could those trees be cut down? He understands taking down the dead ash, but does not want to take the tree line back another 15-20'.

1. Doernenburg noted that it is not defined, but you could define it (as is in a draft motion). You could indicate that it should be single level and what could be stored there. In regards to the tree line, the trees within the storage area could be removed, but the owners indicated that they are not planning to do that.

2. Hicks noted that there are shore stations, but those could be placed behind the building.

ii. Mays noted that if trees had to be removed because they died, they should be replaced.

iii. Brown noted that the neighbors have commented that the owners are not in compliance with the site plan. What is remaining that is not in compliance? Are there any past conditions that have not been met?

1. Doernenburg noted that there was supposed to be boulders indicating the outdoor storage area. However, she counted the number of trees along the highway and that was in compliance. She did not count the trees in the back.
- iv. Urman noted that he counted 11 trees on the front side and 7-8 on the back side.
- v. Brown asked about the drainage issue. He went to visit the site after a heavy rain, and everything looked dry. However, several neighbors are having a problem with drainage. Where is the water coming from if it is not coming from the site? Are the boats considered an impervious surface?
 1. Urman had the same experience when he went to the site.
 2. Doernenburg noted that boats are impervious surfaces, but not surfaces that are addressed in zoning.
- vi. Nordman noted that the boats are parked on a hard surface. Plus, when talking about winter storage, there is slow snow melt, which should not cause a large drainage issue.
 1. Doernenburg will ask the road commission and drain commission to look at this drainage issue, to see where the water is coming from.
- vii. Mays asked if this is the only site that they have boats at or if there is another site in Walloon. Additionally, Mays noted that they are tying up a township dock with the constant boats and trailers. If this business takes on more boats, there will be even more use of the dock. The park was put in for the township, not for this business. Mays is concerned about trailers parked all the way down the road. Urman agrees that this has been a concern in the past, and he doesn't want to hold the ramp up. Mays noted that if we allow more parking and more boats, perhaps we should restrict the usage of that dock.
 1. Hicks noted that they have docks and for sale/rental boats in town, but not boat storage. The buildings that they do have are used for maintenance and storage. Hicks remarked that when they use the dock, the trailers are taken back to the service center after the boats go in. He also noted that not all of the boats are going to Walloon.
- viii. Erik Brown asked how many extra boats they are asking for.
 1. Correction that it is not a number of boats, but a storage area.
- ix. Urman noted that there is a lot of foliage right now, but there should be more extensive screening along the highway and also to the south. He also noted that if some dirt is removed or the pole is removed, they should consider heavily screening that area. He suggested a double stacked row on Gruler Rd, to be screened with pines 8-10'. If this parcel was properly screened, the only area that could be seen from the road would be down the driveway (unless they considered curving the driveway like Olliffe suggested). Urman would like to see detail on the site plan of where the water is being captured on the parcel. If dirt is removed, where is the water being retained and how does it change the flow of the water? He also would like to see some squared off lines as to where this storage area is, rather than a bubble.
- x. Brown remarked that he didn't feel that screening was a main concern of the neighbors.
 1. Urman noted that some of the concern is screening, and if the trees were double stacked it would not be an issue. Additionally, he would like to see the four big boulders addressed where they show boats. That area was supposed to be maintained and it has not been. Urman suggested maintaining the showing area to keep it pristine.
 2. Nordman noted that they are proposing a double row.
 3. Brown remarked that the east side is not bad, the problem is how to screen the side with the easement.
 4. Urman reminded the applicant that the powerline could go away if they bury it. That could solve this problem.
- xi. Brown noted that if they dig into the hill, they would need a new drainage plan.
 1. Nordman suggested updating the proposed storage area so that all storage would be north of the powerline. They could still do the suggested screening and then no excavating would need to be done.
 2. Urman would like to add a condition that if the power company did cut a tree down, that it would be replaced.
 3. Brown clarified that this updated suggestion would be to keep all storage north of the powerline for 12 months a year. There would not be anything south of the powerline throughout the year.
- xii. Doernenburg noted that the items from the 2014 Site Plan are not on this current proposed Site Plan. She would like to see a plan that shows everything cumulatively. The approved plan shows 10 trees along the highway and trees along Gruler Rd. She would like to see a combined Site Plan with the approved and proposed.
- xiii. Urman would like to see detail on the detention basin. Nearby property owners could see where water is being held. He also would like to see a stop sign for the employees.

xiv. Mays noted that this proposed plan is similar to the 2014 plan, just with the addition of winter storage.

xv. Dan Armstrong suggested postponing approval until the new site plan can be viewed by everybody. He would also like to see a defined number of how much could be stored in that new area. He would also like to see double screening. It would be nice to prevent an industrial view.

- e. **Motion** by Mays to postpone case #PPUDF20-01, MKB Holdings LLC, Final Planned Unit Development-1 amendment at 4772 US 131 S, tax parcel 01-19-30-400-038, Section 30, Bear Creek Township for the following reasons: to allow the applicant time to provide sufficient detail as required and based on the plan approved in 2014, that the updated site plan incorporate the 2014 site plan details as well as new details, that winter storage be defined (what will be stored and where), that shore stations be stored only behind the buildings, and that all storage be ground level. 2nd by Brown.

1. Unanimous Voice Vote

Passed

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

- a. Applicant requested case be postponed.

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

- a. Applicant requested case be postponed.

IX. Case PSPR 20-07 Ron Budnik for Dare III Development, Site Plan Review- Amendment, 920 Glen Haven Cir, Section 7, Bear Creek Township

- a. Applicant requested case be withdrawn.

X. Public Comment

- a. Erik Brown thanked Doernenburg for her clarification during the case.

XI. Other Business

- a. Side Door- Outdoor Seating

i. Doernenburg noted that Side Door approached her about having additional outdoor seating this year due to the COVID-19 restrictions. She approved that administratively this year on condition of fire department and liquor control commission approval. The approval was only for this year.

- b. Petoskey Brewery- Food Truck

i. Doernenburg explained that she received a call from Waffle Wagon, a food truck that sells dessert and wants to set up at Petoskey Brewing. Typically, a food truck would have to receive approval from the Planning Commission, but because they are not using a parking space, Doernenburg approved this for this year only, on condition of fire department and township approval. If they want to keep this food truck for future years, they will have to go through site plan review. Doernenburg noted that Denny Keiser approved of both the Waffle Wagon and the outdoor seating for Side Door.

- c. Culver's

i. Doernenburg noted that Culver's is trying to obtain an easement from ProBuild to direct traffic out. They would put in an exit that would go in front of the fence at ProBuild out to the light. Last week, Culver's received a response from the property owner declining them access. Doernenburg asked if the Planning Commission would like to draft a letter to the property owner asking him to reconsider. She stated that the property owner is concerned about the entrance of their semi-trucks and a safety concern for their property. However, this seems to be an issue of the greater community safety to allow people to drive out of Culver's and come out at the light.

ii. Mays noted that this would be a great place to utilize the access management plan. It wouldn't hurt to send the letter, besides the fact that ProBuild has room on their parcel for the semis because they have another drive.

iii. Urman would consider sending a letter.

iv. Brown noted that this would also send more cars by the ProBuild business.

v. Coveyou asked if this is where ProBuild stores shingles. Doernenburg clarified that it is not. The other option would be to send cars through the ProBuild parking lot, but the property owner is not in favor of this. Mays noted that sending cars through the parking lot would make more sense.

vi. Coveyou noted that he would rather see a road behind all the businesses in that stretch that would go from behind Fast Eddies to Manvel Rd. Each business would have to give some to make this road happen, but then people would be able to get in and out of these businesses easier (which would in turn create more business). He feels we should take the larger view and work on connecting all these businesses by a road in the back that would come out at Manvel Rd. Each business would have a front and back entrance.

1. Brown noted that we would have to look into how deep those parcels are. Mays noted that the creek also runs back there.
- vii. Doernenburg suggested drafting the letter to ProBuild regarding a temporary access from Culver's to the light (in front of ProBuild) and then we can start looking at a proposed road behind these businesses. Brown noted that this could be part of our five-year plan. It is a good idea to look at creating this road in the future, but it is farther down the road, so it does not help our current problem with the backed up traffic on the highway.
 1. Urman noted that we are looking for a fix to this issue now but we can put together a plan for the back side of these businesses.
- viii. Coveyou asked if this conceptual road would be a county road. Doernenburg noted that it would not.
- ix. Brown suggested asking the board to fund a feasibility study for this proposed road. Urman agreed. Mays agreed as well; a feasibility study would give us tools to present this idea to these businesses.
- x. Kendziorski suggested that the proposed road could come out at the D&W light possibly.
- xi. Doernenburg is going to draft a letter from the Planning Commission encouraging ProBuild to reconsider Culver's suggestion. Kendziorski will present to the township board and ask for funds for a feasibility study.
- xii. Coveyou is concerned that if Culver's put an exit out to the light in front of ProBuild, it would take away greenspace. He is not in favor of writing a letter to ProBuild at this time.
- d. Enforcement Report
 - i. Doernenburg, Al Welsheimer and Denny Keiser met with John Ledig from Home Depot regarding outdoor storage and display. She reminded them to keep the lane open for pedestrian traffic. Doernenburg is getting in contact with Lowe's as well.
- e. Bear Creek Township Master Plan
 - i. **Motion** by Mays to pass the resolution (see attached) to approve and adopt the 2020 Master Plan. 2nd by Brown.

Passed

XII. Next Meeting: July 29, 2020

XIII. Adjournment: 9:32 p.m.

Respectfully Submitted,

Emma Kendziorski

Emma Kendziorski, Bear Creek Township Clerk

Jeff Haven, Recording Secretary

**Bear Creek Township
Planning Commission
June 24, 2020**

Upon motion made by Judy Mays, supported by Mitch Brown, the following resolution was adopted.

Motion Carries- Unanimous

WHEREAS, the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended, authorizes the Township to revise a master plan every 5 years for the use, development, and preservation of all lands in the Township, and,

WHEREAS, the Bear Creek Township Master Plan was last updated in 2015, and,

WHEREAS, Bear Creek Township voted to begin the 5-year review process for the Bear Creek Township Master Plan, and,

WHEREAS, Bear Creek Township gave notice of intent on December 27, 2017 to revise the Master Plan, and,

WHEREAS, the Bear Creek Township 2020 Master Plan Update was sent out for municipality comment on January 10, 2020, by Bear Creek Township, and,

WHEREAS, Bear Creek Township held a public hearing on the Bear Creek Township 2020 Master Plan Update on June 3rd, 2020,

WHEREAS, Bear Creek Township Planning Commission held a public hearing on the Bear Creek Township 2020 Master Plan Update on June 24th, 2020,

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

1. **Findings of Fact.** Bear Creek Township Planning Commission has made the determination based on a review of existing land uses in the township, a review of the existing Master Plan provisions and maps, input received from the surrounding municipalities and public hearing, and with assistance from Networks Northwest, finds that the new 2020 Master Plan will accurately reflect and implement the Townships goals and strategies for the use, preservation, and development of lands in Bear Creek Township.
2. **Adoption of 2020 Master Plan.** The Bear Creek Township Planning Commission hereby approves and adopts the 2020 Master Plan, including all of the chapters, figures, maps, and tables contained here within.
3. **Adoption Recommendation.** The Bear Creek Township Planning Commission recommends the Board of Trustees adopts the 2020 Bear Creek Township Master Plan.

Emma Kendziorski

June 24, 2020

Emma Kendziorski, Clerk