

Bear Creek Township Planning Commission Meeting November 18, 2020- Zoom Meeting

I. Called to order: 6:00 p.m.

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

- a. Due to the updates in the Open Meetings Act, commissioners must state the county, township, city, or village they are participating from, along with the state.
 - i. Mays- Bear Creek Township, MI, Urman- Bear Creek Township, MI, Coveyou- Bear Creek Township, MI, Brown- Bear Creek Township, MI, Olliffe- Bear Creek Township, MI, Haven- Bear Creek Township, MI, Kendziorski- Bear Creek Township, MI

III. Others in Attendance: Tammy Doernenburg, Denny Keiser, Walt Schiemann, Larry Willis, Al Welsheimer, Craig Armstrong, Amy Gray, Bud Gray, Dusty Christensen, Kathy Coveyou, Lee Zajac, Mark Pachla, Serenity, Greg Walter, Renee Weaver, Diane, Jackson Jacobs, Doug Roosa, Connie Golding, Tami Furgeson, Will Coveyou, Jeff Dufek, Lizzy Coats, Eric Ginsburg, Mark Furgeson, Jim Doull, Doug Lehman, Don Schreiber

IV. Pledge of Allegiance

V. Approval of Minutes

- a. **Motion** by Mays to approve the minutes as presented from the Planning Commission Meeting of October 28, 2020. 2nd by Olliffe. **Passed**
- b. Olliffe asked if it was ever discovered where the proper snow storage is for the Chase Bank case?
 - i. Doernenburg explained that that case was a preliminary review and that snow storage will come in when a final site plan is submitted.

VI. Case PSUP 20-017 Ironwood Construction, SPECIAL USE PERMIT & SITE PLAN REVIEW, Electronics business, 2420 Harbor- Petoskey Rd, Section 27

Tammy Doernenburg gave a background to this case:

- a. Doernenburg shared that this case was first heard last month for a site that is currently vacant. It is located at 2420 Harbor-Petoskey Rd, which is on the east side of the road. The parcel is 1.84 acres in total and the site is mostly flat with sandy soils. There is a condominium association located to the south and east of the proposed electronics facility. There is also a house, vacant lot, professional office and Toski Sands to the south, as well as a dental office, vacant lot, and nature conservancy to the north. This proposal would add an office and showroom for sales purposes and shop and storage for the electronics business utilizing the space. There is a sealed drainage plan provided. Since last month, 2 updated site plans have been received. On the new site plan, they did expand on the driveway and parking area to allow for semis to come in and turn around. The parking was realigned but they still have the same number of parking spaces. They have added some trees to the south as well as along the south boundary line. They have also added trees on the east side of the parking area and also to the north. The parcel is zoned R-2 and an electronics shop is a special use in this zoning district. The Master Plan docs indicate this property and the surrounding properties to be mixed use. There were concerns with noise, screening, smell, traffic, storm water runoff and hours of operation from adjacent property owners. Regarding the easement, MDOT had indicated that this property and the south property utilize a shared access. There is an existing access on the south property. The applicant indicated they are not interested in doing that. Subsequent to the Emmet County meeting, there has been discussion regarding eliminating the easement between the two parcels. The elevation shows that the height standards of the ordinance have been met. Bear Creek Township has an access management plan that supports the use of a shared access drive. The proposal before the Planning Commission is for a special use permit for this electronics business utilizing the single access they show on their property with the updated site plan received November 11, 2020.
- b. Brown asked if the realigned parking is the same number of spaces? Doernenburg confirmed that it is the same number of spaces.
- c. Haven noted that in last month's meeting, the hours of operation was a condition in the motion. Doernenburg confirmed that this can be added as a condition.

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

- a. Serenity from Ironwood Construction is present to address this case. She noted that in the last Planning Commission meeting, there were some items requested to be addressed. The first of these items would be to show the snow storage calculations. The calculations are shown on the new site plan. The required snow storage area is 1628 sq. ft. This plan indicates 5700sq. ft. of designated snow storage area. The flat sandy soils in the rest of the site will also help to percolate that. The second item was to address how semis could pull into the property, turn around and pull back out. The new site plan shows the turning radius. A 63ft tractor/trailer is the largest you could get. These semis could now pull straight in, back up and pull out. They have added a gravel driveway specifically for this purpose. The owner has indicated that a semi would be needed possibly once a week. Typically, you would see FedEx or UPS type vehicles. The third item was to show additional screening on the south side of the property. Screening has been added along the southeast corner, although the owner did not believe it was necessary, as well as six pine trees proposed to the south of the building (this helps shield the building from the view of traffic). The fourth item was to address the shared access driveway. Serenity explained that they approached the owner of the property, as well as the owner of the

- parcel to the south of this property, and with MDOT, and as it stands now, the owner of the property to the south is not allowing an easement through their property to access this parcel. MDOT has stated that they will agree to what the Planning Commission approves, they just ask that they apply for a driveway permit.
- b. Olliffe noted that last meeting, we requested to see details regarding the loading area.
 - i. Serenity explained that this was addressed with the semi unloading area. Trucks can unload in the rear.
 - c. Urman asked if the Planning Commission received a copy of the email from MDOT. He explained that there is an easement there; is it legal to deny someone the use of an easement?
 - ii. Doernenburg confirmed that MDOT did agree to what the Planning Commission approves.
 - iii. Serenity noted that the owner of the property is terminating the easement by registering a new deed. The property to the south also has an easement with Lakeside Club for that drive.
 - d. Mays noted that the proposed driveway could be the new driveway, the property to the south could abandon the existing driveway and could use the Lakeside driveway. She also suggested moving the drive to the middle of the two parcels, making a shared “Y” shaped driveway.
 - iv. Urman does not feel this would happen, and notes that we put access management in place for a reason. This is the time to use it. He also is not clear on the legality of closing that easement.
 - e. Coveyou reviewed the documentation from MDOT, and feels that MDOT is okay with the Planning Commission choosing one driveway or the other. He believes MDOT is giving the Planning Commission leeway to decide on the location of the driveway. He feels that the property owner should be here to share in this dialogue. He would like to see one access, with an easement. Perhaps the southern parcel could go to Lakeside or Sunrise for an easement (and not use the existing driveway).
 - v. Serenity explained that the easement is being terminated, so she needs a driveway for this parcel. The southern parcel already has an easement to use the Lakeside drive. She has explored access management and the property owner has indicated that they do not want access through their site to get to this parcel. They also do not want access from this parcel to their parcel. Serenity is looking for a solution to this problem.
 - f. Haven appreciates this challenge. He feels that the current property owner terminating the easement does not give Sunrise an option. Perhaps if the property owner comes to the Planning Commission in the future, we can enact access management and have them close their drive. They would have to receive an easement from either Sunrise or Lakeside.
 - g. Urman asked if it is legal to terminate an easement.
 - i. Serenity noted that the owner has hired an attorney to terminate the easement.
 - ii. Keiser asked if that was a recorded document. He explained that the Planning Commission can only look at the recorded documents in front of them. They cannot make a decision based on a terminated easement if it has not been terminated yet. As it stands, there is an easement.
 1. Doernenburg confirmed that this termination is not a recorded document at this time.
 - h. Serenity asked if the commission could conditionally approve, on condition that the termination of the easement become recorded.
 - i. Keiser explained that the owner currently owns both parcels. If he wants to sell the property, he will grant the easement. He feels there needs to be one driveway for the properties, or this will not get approved.
 - ii. Serenity noted that the easement is a non-exclusive easement over the entire parcel, not an access easement.
 - iii. Keiser suggested the owner rescind that easement and just grant an easement for the driveway. At this point, the ball is in the owner’s court. MDOT put that driveway there for both parcels. The owner has options if he would like to sell this property.
 - i. Olliffe asked if these are two separate tax parcels. Wouldn’t you have your own access to a property?
 - i. Doernenburg confirmed there are two separate tax parcels.
 - ii. Keiser explained that the recorded access to this parcel is through the easement.
 - iii. Haven remarked that the owner wants to sell the property without giving access to it.
 - j. Urman noted that access management is especially important because this is a special use.

Audience Comments:

- a. Larry Willis is the treasurer of Round Lake Estates Condominium Association. This is a separate association from Lakeside Club, however, they share a driveway. He noted that both the Round Lake and Lakeside Club property owners have an easement onto a portion of the subject property for an access drive to their boat storage. He would like to see this easement addressed.
- b. Eric Ginsburg is a resident of Lakeside Club. He does not believe there is an easement to the south parcel from the Lakeside Club drive. The owners would not be favorable to sharing that driveway. He noted the hours of operation discussed at the last meeting and appreciates the added shrubs and screening. He feels the current owner has created the access issue, not the applicant.
- c. Renee Weaver also appreciates the added shrubs. She feels the traffic issue needs to be resolved.
- d. Doug Roosa, owner of a Lakeside Club condominium, appreciates figuring out the traffic solution before moving on.
- e. Lee Zajac from Lakeside Club appreciates the time and effort put into this case, however, expressed a concern about the easement.

- f. Don Schreiber, applicant, noted that he can approach the owner. Once the easement has been removed and recorded, the owner has an access to the southerly parcel from Lakeside Club Drive.
 - i. Keiser noted that if he removes the easement, he will have a residential lot to the north. This is a great plan and a good business to go here, however, the current owner needs to be willing to work on this access. If the easement goes away, the owner would be granted a residential driveway.
 - ii. Haven explained that the owner is restricting himself from selling it for commercial use.
 - iii. Schreiber asked if the owner would have to give a new easement for access to just the driveway.
 - 1. Keiser feels this would be wise and feels it would be acceptable to the commission if the current owner granted an easement for the driveway.
- g. Mark Pachla noted that there are west parking areas and east unloading areas. He suggested mirroring the site plan to move the activity to the other side of the building, to shield the condominium owners. He would also like to see the lighting addressed.

Board Discussion and Questions:

- a. Serenity noted that this parcel is zoned R-2. If the parcel to the south were to build a house on it, would the homeowner have to share a driveway with Sunrise?
 - i. Doernenburg explained that a residential use would go directly to MDOT to request a driveway, because a residence is not a special use. She quoted the ordinance, that the commission can require “safe, convenient, uncontested and well defined vehicular and pedestrian circulation for ingress and egress.” It also states that “road agency approval will be required” for a special use. In regards to the lighting concerns, Doernenburg shared that it will be reviewed by the zoning administrator. All exterior lighting has to be full cutoff and fully shielded and poles can be no higher than 20 ft. Wall mounted lighting also has to meet that standard compliant with dark sky standards.
- b. Serenity asked if the Planning Commission can require a shared access between these parcels?
 - i. Urman noted that it is a special use.
 - ii. Keiser explained that the Planning Commission can deny the case if they choose (because it is a request for a Special Use Permit) and can require a shared access because there is an existing easement there today.
 - iii. Serenity asked if there was no access for an easement at this point, what the commission’s decision would be.
 - i. Urman noted that it would have to go to a motion.
- c. Mays asked if it used to be one lot. She feels that the plan is solid, but the access issue falls on the current owner. If he cannot share a drive or grant an easement, this property will not be able to be a commercial use.
 - i. Keiser clarified that it was split in 1981 into two lots. This is a great use of the property, but the owner needs to be willing to work on the access.
- d. Serenity asked if there was no easement, would a special use be allowed?
 - i. Keiser noted that these are hypothetical questions. A Special Use Permit can be denied.
 - ii. Urman remarked that the commission does not want to deny this business. It does not seem to be an issue of the building, screening, signage, lighting, etc. However, we need to follow through with our access management plan. If the owner terminates the easement, the parcel to the north will be residential. Perhaps Don could speak to the current property owner and suggest one shared “Y” driveway in the middle?
 - iii. Serenity asked for conditional approval at this meeting, that this case be approved on condition of getting a shared driveway.
 - i. Coveyou noted that a shared drive is too big of an issue and it would adjust the entire site plan. We will need to review it again. Plus, we do not know if the current owner would be willing to do a shared drive. M-119 is where access management must be applied, this is a critical issue. Other than access, Coveyou feels the site plan is acceptable.
- e. Haven noted that the hitch in the project is not the Planning Commission, rather, the fact that the owner is not willing to accept a shared drive. The owner has plenty of options when it comes to a drive. He also would like to see hours of operation on the plan, as this was a condition last meeting.
- f. It was suggested that the applicant try to get ahold of the owner tonight and that the case be brought up again later in the meeting, when the owner was present.
- g. Coveyou questioned the easement to the boat storage in the rear. If there is an easement on the east side, it should be shown on the site plan.
 - i. Urman clarified that the easement is on the parcel behind this one, that Lakeside owns. It is behind the cedar hedge.
- h. Mays is comfortable with the site plan other than the access.
- i. Olliffe would like to see hours of operation addressed on the site plan.
- j. Kendziorski would like to address hours of operation and see the shared access resolved.
- k. Brown feels this is a solid plan, but would like to see access management used here, as the township worked hard to make that happen.
- l. Urman suggested planting more trees to the south.

- m. Keiser suggested that the township board could deal with the easement/driveway situation. If the applicant could show the township board a new plan by the time of the meeting, could the board approve it? If the Planning Commission tables it now, the board can either table it or approve it based on if the access issue is resolved.
 - i. Doernenburg noted that the township board meeting is December 2 at 7pm on Zoom if anyone would like to attend.
- n. Olliffe noted that the plan shows vinyl siding on the dumpster. The dumpster will need to follow ordinance standards.

Motion by Mays to postpone until the next regular Planning Commission Meeting, case# PSUP 20-017, Ironwood Construction for a Special Use Permit for an electronics & precision equipment repair and maintenance business at 2420 Harbor-Petoskey Rd, Section 27 of Bear Creek Township, tax parcel 01-16-27-200-002 and as shown on the survey dated November 1, 2020 to address the shared access drive, with condition that the Bear Creek Township board could approve the case if more information was shared that indicated that a shared driveway would be used. Also on condition that the hours of operation be shown on the site plan. 2nd by Haven.

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

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

Passed

VII. Case PSUP20-020 David Coveyou, SPECIAL USE PERMIT & SITE PLAN REVIEW- Campground, 4160 US 131 Hwy, Section 30

David Coveyou recused himself from this case.

Tammy Doernenburg gave a background to this case:

- a. Doernenburg explained that this case was first reviewed last month and it involves three sites: two parcels on the north side of Greg Rd, totaling approximately 80 acres, and the parcel on the south side of Greg Rd, approximately 150 acres. It is an active farm and the proposal is to use the existing entrance onto US-131 Hwy. MDOT has granted approval of that access for this proposed use. Vehicles would come in off the highway, drive through an access road and down the abandoned Greg Rd (with added berms along the abandoned Greg Rd). Greg Rd would be improved to access the campground. Updated site plans have been received. This shows where vehicles would drive and the walkways from the parking area to the existing farm market. Both event areas are shown as well as grass parking and overflow parking for the yurts and campsites. There is a common building that would have restrooms and a gathering area. Details regarding the campsites were provided (either soft sided tents, yurts or cabins). Examples of a resort cabin, yurts and tents were shown. Floor plans and elevations were received for the common building. The parcel rises from north to south, with the highest elevation in the southwest corner. The parcels to the north are meadow and woodlands and there are three dwellings located to the east on US-131. The proposed accessory events and campground facilities are located on that northwest parcel and the outdoor event area is over 1000ft from the nearest off premise dwelling. The campsites would have 20 upscale tent/yurts and 5 cabin facilities, with the check-in/restroom facility. The agricultural accessory use would include the one small event space and the one large event space that could have up to 5 events per month. There is no approval from the Emmet County Road Commission for the abandonment of the road and Doernenburg received 9 emails representing 13 property owners who are opposed to abandoning Greg Rd. Doernenburg received communication from the Resort Twp supervisor that they would not support closing Greg Rd. That request will go before the Emmet County Road Commission on November 30th. The events are proposed to be between the hours of 8am-11pm and all amplified music would end by 10pm. The events would be held May-October. The proposal is for a special use permit and site plan review for the campground and accessory uses on a farm.
- b. Haven asked if the Coveyou family was approached by the county to close Greg Rd, or who initiated that idea?
 - i. Doernenburg clarified that it is the road commission, not the county, that can approve the closure of Greg Rd. There is a process that a property owner has to go through in order to close a road. There will be a public hearing at the Road Commission on November 30th at 8:10am to address this.
- c. Kendziorski noted that we have a letter stating that the road commission would be in favor of closing the road, but there is no formal action that has been taken by the road commission.
- d. Olliffe asked if the road commission will decide on November 30th?
 - i. Doernenburg noted that the board would decide if they would act on it or not, or it could also just be a public hearing.
- e. Urman asked who initiated the road closure concept.
 - i. Doernenburg believes it was Coveyou.

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

- a. Dusty Christensen noted that they have met with the county planning commission and feel that there is a good handle on what this proposal entails. Very little has changed, but he would like to review some concerns from the county and township Planning Commission meetings. Following last month's discussion, a few changes were made to the plans. There was additional berming added along Greg Rd. Additionally, they have illustrated on the site plan the separate pedestrian walkway from the market to the parking lot (so that pedestrians are not in the driveway). The new plans better illustrate the existing conditions on site and satisfy the safety concerns. Christensen noted that the property owners have been working with Fire Chief Al Welsheimer on the EMS concerns. A solution has been settled upon: the owners will provide a campground utility cart to be used by the EMS if needed to reach a campsite that is further away from the parking area. Additionally, they have provided updated floor plans for resort cabins. This is a representative plan which shows the bathrooms associated with these cabins. In regard to the closure of Greg Rd,

- Christensen noted that they are requesting conditional approval tonight- on condition that the road commission approves the closure of the road. Christensen shared some issues brought up at the county level. There was a concern about potential trespassers (from events). He noted that the campsites are quite far away from neighboring property owners and does not see a need for fencing. However, it is possible that some small signs could be put into place to let campers know they are leaving campground property. Lastly, the issue has arisen of a potential drive to the north to serve the campground. MDOT has already approved the existing driveway and curb cut location. Providing an alternative drive on the north end of the property does not grant any better access. It would also require a half mile of road to be built, and given the grading, this could be a six-figure project. At this time, the property owner does not feel that would be a feasible solution. They would like to continue to use the existing curb cut at the farm market.
- b. Haven noted that the abandonment of the road is a decision made by the road commission, so it is not something for us to consider. Our decision, however, will be contingent on that. If the county chooses not to abandon the road, where would this project go? He also asked how far Williams Rd is from Greg Rd.
 - i. Christensen explained that if the road commission does not close the road, they would have to amend the site plan and come back to the Planning Commission. The current site plan would no longer be viable.
 - ii. William Coveyou noted that Williams Rd is a little less than a half mile from Greg Rd. Doernenburg confirmed it is approximately 2500ft or so.
 - iii. Christensen explained that there is a safety issue at the intersection of Greg Rd and US-131. Williams Rd is close and would be a viable alternative.
 - c. Brown suggested an easement for ATVs, snowmobiles, etc. The point of contention seems to be from the ORV traffic. He asked if there was a lot of ORV traffic.
 - i. Christensen feels this would be a liability issue. The ATV usage that has been using Greg Rd can make the connections they are making with a small course correction using Williams Rd. This is a safer place to cross the highway. An easement is not on the table at this point.
 - ii. William Coveyou explained that they were told that Greg Rd is too dangerous for vehicle traffic, which means it is really too dangerous for ATV traffic as well. In regards to as easement, Coveyou feels it is counterintuitive to the nature of the project. ATVs crossing would be near the event area and would take away from the nature and scenic quality of the campground. However, Coveyou noted there is not a lot of ORV traffic.
 - iii. Kathy Coveyou noted that they cannot risk the liability. If an accident were to happen, they could be sued.
 - d. Olliffe asked about the other points on the Fire Dept review.
 - i. Christensen noted that the intent, as represented on the site plan, is to improve the existing driveway so it is 20ft wide. They will comply with all width and weight restrictions. In regards to lighting, they do not see a need for additional lighting between the campground and the market at this time. They feel it is contradictory to the dark sky requirements. In the summer, it stays light later into the evening, plus the market closes at 6pm.
 - e. Urman would like to see engineered drawings with the weight detail.
 - f. Mays asked Welsheimer if the golf cart would be sufficient to extract someone from the furthest campsite.
 - i. Welsheimer spoke with Randy Weston and David Coveyou regarding this matter. Coveyou does not want to widen the road there. He has agreed to provide a flatbed type golf cart which could be used by the EMS to reach these sites.
 - ii. Kendziorski asked if the cart was full or being used, how they would reach these individuals.
 - iii. Welsheimer noted that this cart would be used for dual purposes. It would be used by the campground staff, but would be there if needed for an emergency. Someone from the campground staff would be present to guide the EMS back to the emergency and that person could clear the cart. Additionally, Welsheimer noted that he spoke with Coveyou about his concern for walkers. Campers love to walk and explore. He would like to see lighting so campers know where they are and don't get lost. It is a safety factor for the walkers. With events going on and traffic going up and down the road, it would be nice to see lighting between the event area and the market. Welsheimer noted that Coveyou did not think walking traffic would be common.
 - iv. Mays noted that on the site plan, there are bollards along the pedestrian path as needed. Is that adequate? She also brought up the possibility of two events at a time. There could be an event in the barn and in the tent.
 1. Welsheimer noted that the need is for lighting along the road between the market and the campground.
 2. Kendziorski explained that she is also concerned not just with lighting, but with the campers walking and biking from the campsite to the market. Many campers may desire to bike to the market to get food for camping, and it would not be safe for them to bike or walk along the side of the road with cars coming in and out. She suggested a walking/biking trail along the road in between the market and the campground.
 3. Christensen noted that the road is 20ft wide and there will not be much traffic. He is not seeing potential conflicts between walking/biking traffic and vehicles. They can coexist. He also noted that it is about a half-mile walk between the campground and the market (about 10 minutes), so he feels most people will drive.

- g. Kathy Coveyou explained that they have not gotten many requests for events in the barn because they cannot have music. Any requests that they have had have been small and have been on the deck side.
- h. Urman asked about the road closure. If the road was still open, it could still potentially be approved. If the project is low-impact, the road could still be functional. He also noted that event venues typically have security and directional signage. MDOT has approved the driveway. He wants this farm to prosper, and feels we need to look to the future.
 - i. Kathy Coveyou noted that the road closure is critical. MDOT has deemed the top of that road to be too dangerous for traffic.
 - ii. Will Coveyou explained that the only reason they are asking for the closure of Greg Rd is because MDOT stated that it is too dangerous for campground traffic to enter and exit through there. No matter how many directional signs you have, if Greg Rd is open, campers will still use that drive.
 - iii. Christensen noted that MDOT has approved the existing driveway for this use. They are seeking a recommendation of approval tonight and the road commission will need to decide on the closure of the road. Is there a way to make the project work without closing the road? Yes, but it would require additional work. Ideally, the road will be closed, but that is a decision for the road commission to make. The decision tonight should be based on the land use and site plan. If the applicant needs to change the site plan because of the road commission or MDOT, they will need to come before the Planning Commission again.
- i. Doernenburg noted that Emmet County does have an ORV ordinance, which permits ORVs to cross the highway, but not to ride alongside the road. Therefore, Williams Rd would not work as a crossing point for ORVs.
- j. Mays asked if the road was not available to vehicle traffic, but was available to ORVs, if that would be satisfactory. There could be something put in place at the end of Greg Rd where it meets the highway.
 - i. Kendziorski suggested a tree or shrub there, so that ORV traffic could still get through, but vehicles could not. She reminded the Planning Commission that it is not our decision to close the road. That decision rests with the road commission.
- k. Urman acknowledged the letters of concern received about the closure of Greg Rd. The Planning Commission has reviewed them.

Audience Comments:

- a. Dan Goldsmith feels the site plan is well put together. He is in support of the campground plan, but has concerns about the Greg Rd abandonment.
- b. Walt Schiemann would like to see Greg Rd remain open.
- c. Mark Furgeson has concerns, as he is part of an ATV club. He noted that they use Greg Rd because it does not affect many asphalt roads or homes. The speed limit for an ATV is 25mph, and when you are on a paved road and a car passes at 55-60mph, that can be a safety issue. Furgeson noted that it may be a possibility to move the crossing to Kemp Rd, but when you get to the s-curves by Firman Irrigation, it can become dangerous with cars driving by. The ATV users prefer to go down a straight road, so people can see you for a long way. He asked if the safety of the Greg Rd intersection is a concern, would you need to close both sides of Greg Rd? There are also many people who travel this way to go to businesses. This is a way to go to stay off of the main roads. ATVs cannot cross at Lears Rd or Intertown- it would be too dangerous. Furgeson also noted that the road closure only benefits the Coveyous. He understands where they are coming from, but it would only benefit them. In regards to the guard on Greg Rd to stop vehicles, he noted that some ATVs are very wide, so that may not work. He also explained that his ATV club does maintain trails, but they do so with the state of Michigan. The state carries the insurance on that. Furgeson also remarked that if Greg Rd stays open, then the Coveyous would not have to maintain it.
- d. Jim Doull has reviewed this and talked to a number of neighbors. He feels this is a good site plan and agrees with a 10pm cutoff on music. He likes that the speakers point to the west. In regards to lighting, the campers would probably prefer it to be dark. They could always carry a flashlight.
- e. Amy Gray has concerns about closing Greg Rd. She also expressed a concern with the smoke coming from the campground constantly. She feels the noise will carry as well. She would be okay with Greg Rd closing to traffic as long as it was kept open to ATVs.
- f. Bud Gray feels that if MDOT has allowed traffic to come in off the existing drive (which is halfway down the hill), why wouldn't traffic be allowed to come out at the top of the hill, on Greg Rd? He also asked if Greg Rd really is a safety concern, wouldn't both sides of Greg Rd have to be closed? Gray also suggested putting the project on the south side of Greg Rd, which has better views of Walloon Lake.
- g. Jeff Dufek explained that years ago, Bud Gray wanted to put a wood processing plant across the highway. David Coveyou was firmly opposed to that operation, with a noise and traffic concern. Yet, here we are in the present day, with this project being proposed. He also wants to be careful of setting a precedent with the road closure.
- h. Denny Keiser agrees with Urman. The project in itself is good, however, we need a solution for the access problem. Keiser feels that the road commission needs to decide on the road closure before the Planning Commission can make a decision. Considering David Coveyou is on the Planning Commission, the road commission is a neutral party when it comes to the closure of Greg Rd.

Applicant Rebuttal:

- a. Christensen noted that the comments have been received, and the Road Commission will have to make their decision.

Board Discussion and Questions:

- a. Kendziorski would like to see what the road commission will do regarding the closure of Greg Rd. She encouraged individuals with concerns to attend the road commission meeting.
- b. Brown and Olliffe would also like to wait for a road commission decision.
- c. Haven agrees that he would like to wait. The plan is good, but we have a curveball. The closure of Greg Rd was already supposed to be decided. We cannot approve something without all the facts. If the road commission says yes or no, it also may change the facts we have to vote on.
- d. Mays agrees.
- e. Urman agrees and reminded the public that the road commission meeting is November 30th. In regards to the noise concern, he noted that the event space meets the 1000ft radius. In regards to the smoke concern, he explained that there are DNR approvals for campgrounds.

Motion by Mays to postpone case# PSUP20-020, David Coveyou for a Special Use Permit for a Campground Facility and an accessory agricultural use at 4160 US-131, Section 30 and 19, Bear Creek Township, tax parcels 01-19-30-100-006, 01-19-19-300-011, 01-19-19-300-012 and as shown on the Site Plan Sheets 4-6, dated November 11, 2020 because the applicable standards of Articles 8, 20, 21 and 26 have been met, except that Greg Rd has not been formally closed. The Planning Commission would like to wait to make a decision on this case until the road commission makes a decision as to whether or not to close Greg Rd. At that time, the Planning Commission will further review this case. 2nd by Olliffe.

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

Passed

VIII. Case PSPR20-013 Craig Armstrong (Elevatus Architecture) for Meijer, Inc., FINAL PUD AMENDMENT & SITE PLAN REVIEW, 1201 Lears Rd, Section 18

Tammy Doernenburg gave a background to this case:

- a. Doernenburg explained that this is the Meijer located to the south side of Lears Rd. It is zoned B-2 and FF-1 with a PUD overlay. The property is 23.75 acres and the entire PUD is 28.5 acres. The proposal is to add on to the north end of the building. There is quite a bit of parking that is not being utilized. This would be a relatively small addition (about 1700sq ft.). The area they are requesting to use for the addition is currently parking and an asphalt area, adjacent to the north side of the bottle return area. The proposal is to create an addition to accommodate a curbside delivery area. This addition meets the height standards of the ordinance and no new curbs are proposed (existing access is being used). The addition meets the setback standards of the PUD at 340ft from the north property line, 470ft from the east, 200ft from the west and 1000ft from the south. The height is 14ft 8in. The building is about 35ftx42ft plus 13ftx8ft. No new drainage plan is necessary. Parking standards are met and exceeded based on the current standards (parking standards were updated after this building was built). There are no changes proposed other than eliminating some parking spaces. Pedestrian access is provided and interior lot signage is proposed, which meets the ordinance standards. There are no changes to the water or sanitary sewer, no changes in snow management, and no outdoor lighting identified. If there is outdoor lighting, it could be approved administratively at a future time. The request is for an amendment to the site plan.
- b. Mays asked how many parking spaces this addition would take. If this is the new pickup service location, would they take the pickup parking from the front and move it there?
 - i. Doernenburg clarified it would be about 10 spaces (used by the building and pedestrian access).
- c. Haven asked if there are no doors on the addition, how customers would pickup their groceries?
 - i. Doernenburg pointed out that there is a door for Meijer employees to deliver your groceries to your car.
 - ii. Olliffe noted that Meijer employees would take your groceries to your car, and Shipt employees would deliver them to your home.

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

- a. Craig Armstrong explained that there are some parking stalls with signage currently in place for pickup. These would go away and be moved into this designated pickup parking area. The Meijer staff will deliver groceries to the vehicles (and Shipt will deliver to a house). The reason for moving this pickup area is so that Meijer employees don't have to cross the main traffic area to get to vehicles. Employees will use the exit door to take groceries to vehicle in the designated pickup area (customers will call when they arrive).
- b. Brown asked if they are using existing parking spaces or having a drive-up lane. He asked about employee parking.
 - i. Armstrong explained that they will use existing spaces, not a drive-up. Employee parking is on the southeast corner and south end of the building. Armstrong also clarified that this new addition will not cause any problems with semi-trailer traffic.
- c. Coveyou asked how many spots are designated for pickup. How will these spots be designated?
 - i. Armstrong explained that Meijer is still trying to decide, but 10 would be the maximum. These spots are noted with a sign.
- d. Brown noted that the parking spots that are being displaced are heavily used. Is there a need for advanced signage for a pedestrian crosswalk? He would like to see enhanced signage.
 - i. Armstrong explained that they have stop signs in place to keep people from driving through the walkway.
- e. Mays feels the biggest issue is that people may park in the pickup parking that are not actually there for pickup.

Audience Comments:

- a. Keiser asked if the site is currently in compliance. There have been issues in the past with semis taking up parking in the north parking area.
 - a. Doernenburg will do a site visit, but believes they are in compliance. They did have to replace some trees and that has been satisfied.
- b. Welsheimer noted that this proposed plan is better than the pickup plan they have now.

Board Discussion and Questions:

- a. Mays and Urman agree with this plan.
- b. Olliffe applauded Meijer for taking steps towards public safety.

Motion by Brown to approve Case# PSPR20-013, Elevatus Architecture for Meijer Inc. for a Site Plan Review amendment on property located at 1201 Lears Rd, Section 18, Bear Creek Township, tax parcel 24-01-19-18-200-063, as shown on the site plan packet dated Received Nov 9, 2020 because the applicable standards of Articles 17, 20, and 22 have been met based on the facts presented in this case and on condition that any exterior lighting be reviewed by the Zoning Administrator and be full cut-off and that applicant will review safety signage to ensure safety in walkways. 2nd by Mays.

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

Passed

IX. Case PSPR18-05 Walt & Tracy Schiemann for Prime Diesel, SITE PLAN REVIEW AMENDMENT, 2472 N US 31 Hwy, Section 25

Tammy Doernenburg gave a background to this case:

- a. Doernenburg explained that this site is on the south side of US-31, just northeast of Hearthside Grove. Prime Diesel currently occupies the site. The Schiemanns are proposing not a full amendment, but a modification to the site plan. This modified site plan features a building running along the back of the lot with four storage containers proposed. A fence would run along the front of the building, which would open a maneuvering area between the existing building and proposed building. All parking would be behind the building. The building meets the height standards at 23ft 8in. The original approval was in 2018 and a revised plan was approved in 2019. The new plan would allow for a building at 6372sq ft, the addition of the storage containers, a new dumpster location that would have to be screened properly, and the new location of the building as shown on the updated site plan.

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

- a. Walt Schiemann explained that this is not much different than what was originally approved. The cost is less in the grand scheme of things and it looks nice as well.
- b. Urman feels this fits well.
- c. Mays noticed that the zoning evaluation form addressed three storage containers but there are four on the site plan. She asked what the storage containers are for and what they would look like.
 - i. Schiemann confirmed that these are nice storage containers, light gray, behind the fence, along the back building. You cannot see them from the road. He wants to store engine parts in there, so as to keep the yard clean. He does not want parts sitting outside.
- d. Coveyou noted that the rear of the building is narrow. It seems to be too tight for a dump truck to get to the dumpster. Before building a concrete dumpster enclosure, you may want to ensure you can make the turn.
 - i. Schiemann explained that the dumpster is on a corner and is only slightly different than it currently is. They do not have any trouble accessing it currently. He will check with them.
 - ii. Doernenburg noted that because of the angle of the parking, the maneuvering lane is only required to be 12 ft. This proposal fits the ordinance.
- b. Coveyou asked about salvage materials. He wants to avoid having cars there year after year.
 - i. Schiemann stated that there is only one salvage vehicle there now and that is leaving Thursday. Everything else will go in a storage container. Everything is either screened or tucked away. He wants his business to look nice.
- e. Coveyou asked about the retention pond and how water runoff gets to the retention pond. Is the water from the buildings getting drain tiled?
 - i. Schiemann explained that when it rains, everything goes to the ponds. They have never had a water backup issue at all. The water will go to the back of the building. For the most part, the grade is staying as is.
- f. Brown asked about the portable storage bins and asked why Schiemann didn't build instead? He asked if they are getting a bigger dumpster. Additionally, Brown asked if they are screening this from Hearthside. Lastly, he asked about the cars behind this property.
 - i. Schiemann noted that the bins are easier in this case in the event that they need to be moved, plus the price is right. They may need a bigger dumpster, however, the scrap is getting picked up for recycling on Thursday. In regards to screening, Schiemann would like to screen this with concrete bunkers and maybe some trees along the edge. The cars are not Schiemanns, as they are beyond the fence. They may belong to the Hoffmans.

Audience Comments: None

Board Discussion and Questions:

- a. Coveyou would like to add screening from Hearthside.

Motion by Mays to approve Case# PSPR18-015, Walt & Tracy Schiemann for Prime Diesel, Site Plan Review modification for a vehicle service building at 2472 N US 31 Hwy, located in Section 25 of Bear Creek Township, tax parcel 24-01-16-25-101-008 as shown on the site plan dated Received Nov 11, 2020 based on the facts presented in this case: the site plan meets the standards of the Zoning Ordinance, outdoor storage will all be screened, and no outdoor lighting or signs are permitted unless reviewed as required by the Zoning Ordinance, all mounted lighting must all be full cut-off, and down directed; all existing lighting must be brought into compliance with the Emmet County Zoning Ordinance standards and that additional screening be added to screen from Hearthside Grove (in the form of concrete barrier blocks 4ft high along the back corner of the property down along to the highway approximately 20ft and that if trees are necessary, then evergreen trees will be added) and to ensure that the dumpster, once enclosed, is in the correct position. 2nd by Haven.

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

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

Passed

X. Public Comments

XI. Other Business

a. 2021 Calendar

i. In looking ahead to next year's calendar, Kendziorski noted that the November 24, 2021 meeting is the day before thanksgiving. She asked if the commission would like to move this meeting.

ii. The commission agreed to move this meeting to November 17, 2021.

b. Meeting Start Time

i. Kendziorski noted that she and Keiser have been discussing meeting start times. The Planning Commission meetings are lengthy, and it may be advantageous to start earlier than 7:15pm on a consistent basis.

ii. Mays does not like starting at 6pm.

iii. Haven feels the start time should be agenda driven.

1. Keiser believes we need a consistent start time for each committee. Doernenburg agrees.

iv. Haven suggested a compromise of 6:30pm. Kendziorski agrees.

v. Urman suggested 7pm.

1. Mays agrees to 7pm, but if it were to go to 6:30pm, feels the zoom meetings should start at 6:30pm as well.

vi. The Planning Commission agreed on a start time of 6:30pm for their meetings from now on.

c. Next Meeting

i. Kendziorski noted that the next meeting is December 23rd, which is two days before Christmas. Would it be pleasing to the commission to move the meeting to Monday, December 21st?

ii. Urman asked why we moved the meeting from December 30th in the first place.

iii. The Commission agreed to move the meeting to December 30, 2020. This will be a zoom meeting that will start at 6:30pm.

XII. Next Meeting: December 30, 2020

XIII. Adjournment: 9:43 p.m.

Respectfully Submitted,

Emma Kendziorski

Emma Kendziorski, Bear Creek Township Clerk

Jeff Haven, Recording Secretary