

Bear Creek Township Planning Commission Meeting February 24, 2021- Zoom Meeting

- I. Called to order:** 6:30 p.m.
- II. Roll Call:** Mays (Bear Creek Township, MI), Brown (Bear Creek Township, MI), Olliffe (Bear Creek Township, MI), Kendziorski (Bear Creek Township, MI), Cyphert (Bear Creek Township, MI), Kargol (Bear Creek Township, MI), Haven (Bear Creek Township, MI)
- a. Others in Attendance: Nancy Salar, Denny Keiser, Al Welsheimer, Ken Sharkey, John Shanahan, Melissa Williams, Lizzy Coats, Ryan Roscia, David Coveyou, Kirk Rose, Connie Golding, John Johnson, Karin Klause, Toni Drier, Jon Bisher, Matt Heron, Tom Urman, Roger Rensel, Kayleigh Long, William Barfield, David Finley, Mark Furgeson, Buddy Gray, Joe Hoffman, Brian Bates, Kathy Dufek, Ken Reichardt, James Cesario, Sharon Nieminski, Marc Rodstein, Doug Kendziorski, Amy Gray, Jay Steffel
- III. Pledge of Allegiance**
- IV. Approval of Minutes**
- a. **Motion** by Mays to approve the minutes as presented from the Planning Commission Meeting of January 27, 2021. 2nd by Haven. **Unanimous**
- V. Case PSUP20-020 David Coveyou, SPECIAL USE PERMIT & SITE PLAN REVIEW- Campground, 4160 US 131 Hwy, Section 30**

Nancy Salar gave a background to this case:

Salar shared that this application is for a special use permit for a campground facility and accessory use to the properties existing (agriculture). It is located on the west side of the highway and there are three tax parcels involved. The property is zoned FF-1 and most of the property is open meadow. The proposed accessory campground and event facilities are going to be located on the northwest parcel. The campground facilities will be 20 tent/yurt sites (non-permanent structures) and 5 cabin facilities. There will be a permanent check-in/restroom/storage facility. The agricultural accessory use is for two event spaces. The access proposed will be from the current farm market entrance. MDOT has reviewed and approved the entrance from the market back to the campground/events with the current driveway. Greg Rd was not approved to be abandoned but MDOT and the road commission did approve putting in a right turn only on Greg Rd. The southern parcel (the access from the farm back to the campground) is proposed to be upgraded from the existing sand to gravel. Additionally, a dumpster will be added near the existing storage buildings on that parcel. The events are proposed to be between 8am-11pm with amplified music ending at 10pm. The events will be held between May-October, anticipating 5 events per month. Events are proposed to be limited to 50 cars (25 cars for campsites and an additional 25 for the event).

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

David Coveyou explained that the biggest challenge to this project has been access. He has worked with MDOT and the road commission to come up with a solution that works for everyone. The final solution would be to put a right turn only at the top of Greg Rd. It would still allow ORV users to use Greg Rd as they have in the past. The access is the same as was proposed. Campers would come in through the farm market, along the improved portion of the driveway, onto Greg Rd, and into the campground. The right turn only would ensure that campers would not use Greg Rd but would come back up through the farm. They will be including directions in all marketing materials to direct campers to use the farm market entrance and exit. Coveyou shared that not that many people use Greg Rd, and having a right turn only will be safer in the long run. He explained that MDOT was concerned with the number of cars, which is why he reduced the number of cars to 50. This would decrease the usage of the space for events, but it is necessary in order for MDOT to approve the usage. 50 cars will be the use, which means that it is likely that events will not have 150 people. Coveyou explained that in order for someone to rent the event space, they will be required to rent out the campground. 25 cars will be for campers and 25 cars will be for additional event-goers. The number of allowed individuals would still be 150 people, but it would be capped out at 50 cars. Coveyou noted that there is not a traffic study for Greg Rd, but there are more ORV users than cars. They are proposing a 20ft wide road because that is what the ordinance calls for. This is a low impact event with only 25 campsites. 20ft will be plenty for two cars to pass and will allow room for people there. In regard to walking trails, Coveyou shared that there was a metric done to study how far people are typically willing to walk. The distance from the campground to the farm market is about a half mile and the study shows that people would not typically walk that, rather, they would drive. For this reason, he does not feel that a walking path will be necessary. If individuals do walk, there will be enough room for a car or ORV to safely pass them, just like what would be done in a subdivision. In regards to trespassing, Coveyou does not feel this will be a concern, as the neighboring property line is 1000ft from where the campsites are. He is not planning to put trails in, so he would be surprised if people were to walk to that north property line. He stated that he could put in no trespassing signs. He does not want to put up a fence there, as it may pose a safety risk. In regards to marketing, Coveyou shared that they will be marketing through the farm. This project will be an extension of the farm. Although there will be a Greg Rd address for the sake of building permits, the external world will not see this address, because they will market the campground using the farm market main address. Coveyou recognized that there could be noise concerns from ORVs but if the ORVs go 25mph, the speed limit, that should help limit that. He explained that the Coveyou farm is a centennial farm since the 1870s. They are looking for a way to sustain their farm and keep it in tact. This is a good solution that will build a positive environment while being sustainable.

- a. Kendziorski asked if the new numbers (50 cars) can be shown on the site plan. Additionally, she asked if there would be a campground ranger on site at all times. Would there be quiet hours for the campground and can this be shown on the site plan?
- i. Coveyou will add the 50 car limit to the site plan. He shared that there will be someone on farm property at all times so the campers will have a contact person (this is an EGLE rule as well). He has not set campground hours yet but

feels 10pm is fine for quiet hours. The campground is 1000ft from the nearest neighbor through a pine forest, so there may not be much noise travelling. He would be willing to put quiet hours on the site plan.

- b. Mays asked if each site will have a fire pit and if there will be cooking provisions in the yurts.
 - i. Coveyou explained that a yurt is a soft shelled, round structure; inside is set up like a hotel room with a bed, but no bathrooms. The bathrooms will be a shared facility. Each site will have an outdoor ringed firepit.
- c. Brown noted that Greg Rd is going to incur more traffic because of this use. Would Coveyou be willing to incur the cost of additional road maintenance that is required because of the increase in use to this road? The road commission has a long history of this road, and using that history, you could determine what the normal expenses are for this road. Anything additional could be the cost of the campground.
 - i. Coveyou is not willing to incur additional costs to Greg Rd, as it is a county-maintained road. He will cover the cost of the upgrade to his section of the driveway, which is on his property (from the farm market to Greg Rd). This section will be upgraded to gravel and widened.
 - ii. Kargol noted that they may not be doing dust control to this section of the road, just grading it like is normally done. In regards to the right turn only sign, Kargol suggested additional signs which say "right-turn only ahead", so people would not get to the top of Greg Rd and then realize they have to turn around.
 - iii. Coveyou explained that they will put up signage for exiting the campground to help people find their way back to the farm market exit. They will also be educating everyone who comes to the farm as to how to enter and exit.
 - iv. Haven feels that you would not be able to determine which costs would go to the campground for the road, as you would be hard-pressed to determine this based on usage. ORVs use the road as well. The county road commission is keeping Greg Rd open and they are responsible for the cost.
- d. Cyphert asked about the notification process. Neighbors within 300ft are notified before a case. He noted that noise will travel, and five events per month is a concern, especially if the wind is out of the west. He feels it is imperative that we have an onsite ranger to keep tabs on the noise and number of cars/people.
 - i. Coveyou noted that this person on site will be either a farm employee or family member. In regards to the noise, the zoning ordinance states 1000ft from the nearest off-site residence, for the safety of having a buffer. There is one house just outside the 1000ft and then the rest are much further away. This project meets the 1000ft radius. This is one of the most isolated spots in Bear Creek Township. Additionally, the Coveyous own the 40 acres to the west of this. He feels confident this is a good location for this project.
- e. Olliffe asked if the fire chief's concerns have been addressed. He is concerned about the weight of the trucks and fire rings.
 - i. Coveyou met with Welsheimer, the fire chief, and noted that he is aware of the fire rings. All of the roads into the project have levels that will support the weight needed for the fire department.
- f. Brown asked if the campfires could be out by midnight? He asked if tents would be dismantled the next day after events.
 - i. Coveyou stated that he will agree to campground standards. Whatever time other campgrounds have the fires out is when he will allow his to be out. In regards to tents, they may be up longer than a day if there are consecutive events. However, the intention is not to leave them up for a long time.
- g. Kendziorski feels strongly that five events is too many. In the past, the precedent set was two events. This would be a compromise that would allow Coveyou to move forward with his project and keep the neighbors happy.
 - i. Coveyou would not be willing to go down to two events. He wants to capitalize on this project and feels that the most events will happen in the summer months (July and August). There may not even be five events per month, especially in the spring and fall months. He feels there is plenty of space and feels the 1000ft buffer is quite conservative.
 - ii. Kendziorski noted that tent companies also rent tent sides and heaters. With the way this industry is going, this project will be fully-booked five events per month from May-Oct.

Audience Comments:

Joe Hoffman wanted to clarify that events and a campground are not agricultural uses.

Mark Furgeson stated that he is not against this campground facility, but is concerned as an ATV user. Greg Rd is the safest crossing point at the highway, and if a right turn only is put in there, ATVs will not be able to cross. He feels that ORV users need to be able to cross at Greg Rd.

- a. Brown clarified that the road commission stated that ORVs can still cross the highway, even if there is a right turn only (for cars). Haven agreed. The right turn only is for traditional vehicles only and would not restrict ATVs. After further clarification, it was noted that ATVs can cross at Greg Rd, but this must be done on an angle, from the scenic turnaround.
- b. Keiser suggested a "no left turn" instead of a "right turn only".
- c. Furgeson feels that crossing at an angle limits the sight distance.

Kathy Dufek feels there should be less than five events per month. From her house, you can also hear the events at Mackinaw Trail Winery. She is concerned about hearing both events. She asked if tent sites are temporary- are they cement slabs or dirt? She also expressed concerns about this project growing in the future. She does not want to see a bigger event center and more campsites in the future. She noted that commercial driveways are 24ft and the proposed driveway is 20ft. Lastly, she expressed concerns about trespassing and the smoke smell.

Tom Urman noted questions about signage. This should be clearly defined on the site plan. Who is going to supply the signage? In regards to the campground ranger, Urman noted that the ordinance mandates that the owner has to live onsite. He commented that all traffic will come through the commercial drive at the farm market.

Lizzy Coats asked if additional cars could park along Greg Rd and the driveway, or if the cars would truly be limited to 50?

Amy Gray expressed concerns about smoke and has concerns about five events and the music carrying over.

Jay Steffel noted that this was originally supposed to be a campground but has now transitioned to include a wedding venue. Other venues in this area are booked solid, years in advance. What may start small can turn big quickly. This would be a lot of cars pulling onto the highway late at night. Steffel asked why Coveyou is developing on this portion of the property. Lastly, he wants to ensure that ORVs can go straight across the road.

Brian Bates shared that he used to live in the home on that stretch of Greg Rd. He noted from his firsthand experience that this area is very lightly travelled and is extremely remote. 1000ft is a far distance and five events per month is so few. This location was chosen to maximize the distance away from other residences. This is one of the most remote areas in the entire county, especially in Bear Creek. He does not feel that noise is going to be a concern because of the topography. The terrain will help buffer the noise. This is a great location for this project.

Buddy Gray is the closest existing resident to Greg Rd at this time. ORVs use Greg Rd frequently. He has other concerns, such as trespassing, noise and smoke. There are many other acres of property that could be utilized for this project.

Al Welsheimer made note of the safety of the extra traffic. When people show up for events, they all show up around the same time, so many people will be entering the same drive all at once (plus the normal farm market traffic). This is a safety concern for the operation of the farm. He asked if the fire pits would be a metal ring with a concrete center with another metal ring (like you would see at a state park). This is a safety concern for children.

Applicant Rebuttal:

Coveyou shared that his plan is for a metal ringed fire pit. In regards to safety concerns, he shared about the traffic flow at the farm market. They put in a walking area for people at the farm market, and they are not selling anything on the other side of the driveway. People do not walk across the farm market driveway. The people walking have been isolated from the cars. In regards to the campsites, there are raised platform yurts/tents and cabins. They do not have concrete slabs and will be sitting on the ground. They meet the temporary structure of EGLE rules. Coveyou shared that the zoning ordinance lists events as an accessory use on an agricultural farm. Only 50 cars can go down Greg Rd to the campground (50 in the campground parking lot). People will not be allowed to park along Greg Rd or the driveway. The right turn only solution is to help with safety concerns of MDOT. Lastly, the Coveyous chose this location because it is wooded and secluded. They are farming on the south side.

- a. Haven noted that we need to clarify with the road commission about “right turn only” if ORVs can go straight across. Is “no left turn” better wording here and would MDOT agree? Haven does not have a problem with the events and wants to see this project move forward.
 - i. Coveyou explained that MDOT was mostly concerned with the Greg Rd intersection and site distance, not the farm market entrance. The right turn only solution was after months of discussion. This is a mix of components that would allow everyone to be safe and allow ORV users to still cross. The right turn only would force campers to use the farm market exit if they were trying to go to Petoskey.
- b. Kendziorski asked if Coveyou was planning to have 50 cars at the event site and have additional people park at the farm market and have them shuttled down.
 - i. Coveyou shared that he could shuttle people down, because the concern was with the Greg Rd intersection. People parking at the market would not be traversing down Greg Rd (which was MDOT's concern).

Board Discussion and Questions:

Brown wants to see this project move forward, but feels we have many things that need clarification. It would merit tabling this case to allow time for clarification and we can always revisit it.

- a. Kendziorski agrees. This would allow time for things to be added to the site plan. She asked how other commissioners felt about the number of events, and feels five is too many.

Mays wants to ensure that the ORVs can still go straight. She suggested four events as a compromise.

Kendziorski asked if this could be tabled, but if Coveyou could update the site plan and we could get the answers we needed, if the board could approve this next week? That would allow us to get needed answers, while still allowing the project to move forward.

Kargol asked if there will be amplified music at the campground and wants to ensure that allowing amplified music on this site will not change the plans at the barn.

- a. Coveyou noted that this will not change the barn. There will still be no amplified music allowed there.

Olliffe agrees with the four events.

Haven revisited the email from Brian Gutowski about ORV crossing. It looks like it would be at a slight angle.

- a. Coveyou would like to see this move forward on condition that these questions be addressed.
- b. Denny Keiser has not talked to MDOT but feels we may not hear from them right away. In his conversation with Gutowski, it was indicated that ORVs would have to cross at a slight angle.

Motion by Mays to postpone Case #PSUP20-020, David Coveyou for a Special Use Permit and Site Plan Review for a Campground Facility and accessory agricultural uses at 4160 US-131, Sections 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 Site Plan packet dated received February 10, 2021, because the applicable standards of Articles 8, 20, 21, and 26, have been met, to allow time for clarification for the Greg Rd/US 131 intersection (regarding ORV crossing straight or angled, “right turn only” or “no left turn” solutions), to add to the site plan the following elements: that tents be removed as soon as possible after an event, that events be limited to 50 cars total (to only be parked in the event parking area), that fires be put out at the time regulated by campground standards, that the campground quiet time be from 10pm-7am, that there is a ranger on site at all times, that defined directional signage be shown on the site plan, and that the events be limited to four per month.

2nd by Olliffe.

- i. Roll Call: Cyphert, Olliffe, Brown, Kargol, Mays, Haven, Kendziorski
 - a. Yes: Cyphert, Olliffe, Brown, Kargol, Mays, Haven, Kendziorski

Passed

At this time, Mays recused herself.

VI. Case PPDUP21-01 FOMCO, LLC, PRELIMINARY PLANNED UNIT DEVELOPMENT RESIDENTIAL OVERLAY, Orchis Tr & Monarch Way, Section 25

Nancy Salar gave a background to this case:

Salar shared that the property is zoned FF-1 and is approximately 28 acres in size. The properties to the north, south and east are also zoned FF-1. There is the Vis-à-Vis residential development to the south and residential home properties to the north and east. Property to the west is the Hearthside Grove Association, which is zoned I-1, light industrial. In 2018, the proposal to develop the 17 units was approved. What is proposed is a residential overlay with changes to allow all farm forest zoning district residential uses, recreation vehicles able to be used year-round with or without a main use, accessory buildings with or without a main use (up to 2400sq ft), and outdoor storage with proper screening. The 2400sq ft for accessory buildings is allowed in the FF-1 district in the rear yard. The proposed envelopes do meet the zoning setbacks. Each lot meets the minimum standards for farm forest. There is an individual well and septic proposed for each site, except for lots 1-9 will have a shared community septic system on lot 17. The Health Dept review would occur with each lot as it is developed. Access would be from the private road which connects from Bellmer Rd. It would also connect from Bluestem Dr from within the Hearthside Grove development (that connects out through US-31). There are no changes to the stormwater drainage. Fire Dept did review the parcel layout. The sign at Bellmer Rd has been approved. In addition, for the final PUD, evergreen trees are identified to be planted as lots are developed. There was a letter from North Star Gardens providing detailed recommendations regarding the species and plant locations.

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

Kirk Rose explained that the remaining question after the last meeting was the trees and screening to Vis-à-Vis. Northstar Gardens sent a letter which indicated two different plant styles. The Health Dept is not keen on putting trees with deep roots next to a drain field, which is why shrubs were chosen instead of trees. In regards to the 35ft buffer and the wording in the PUD agreement, Rose explained that as people develop their lot, if they would like to develop the 35ft into a lawn area, they are free to do so, but they have to keep 15ft spacing of vegetation. Individuals may want to cut the tall pines in the 35ft or clear trees for septic. The trees along Vis-à-Vis are proposed 7 trees per lot, which comes to a spacing of 15-20ft. There is already dense screening there with existing trees and foliage, which is why they did not pursue a double row of trees, staggered. These pine trees would not grow if they were planted among what is already there. There may be some lots where trees need to be grouped closer together, such as a lot with a two track. Lastly, Rose noted that RVs would be the primary use.

- a. Kendziorski feels strongly that we need double stacked trees. If someone were to cut down to 15ft, there is barely any screening there at all.
- b. Olliffe asked where the current foliage/screening is on the site plan. As it stands on the sight plan now, the proposed trees are approximately 22ft apart.
- c. Haven feels we need double stacked trees (zig zagged). Seven 6ft trees will not screen much.
- d. Kargol noted that if you were to double stack trees among the current foliage, they will not fair well. Cyphert agrees.

Rose shared pictures of the current screening/vegetation among the 35ft. There are many tall red pines, which would likely be cut down so someone could plant in there. The original plan was to plant trees along the edge so they could get enough sun to grow. He feels that seven trees is enough and wants to clarify that individuals will know that they have to put seven trees in the back 15ft of their lot. If double stacking was required, brush and trees will have to be removed to make room. He is hoping for a more natural screening look. Individuals who buy lots will want to screen from their side anyways.

Audience Comments:

Matt Heron, attorney that represents Hearthside Grove, shared that there is a pending litigation regarding road maintenance costs. Al Welsheimer shared that he and Rose have discussed this case and Rose has met all fire department concerns for this case. He has already installed a siren on the gate.

Board Discussion and Questions:

Haven and Kendziorski are concerned that seven trees will not be enough screening. Kendziorski recommended we pursue one tree per so many feet as a compromise, rather than a certain amount of trees per lot.

Urman feels the plantings are sufficient.

Cyphert asked if we could put in something other than trees, such as shrubs.

Rose recommended three shrubs to go along with the seven trees.

Doug Kendziorski asked if these were heavily wooded lots. He shared that white pines would do better, but with the foliage currently in place, they may not fill out.

- a. Rose noted that there are many popple and maple trees in there currently. The benefit to seven trees and three shrubs is that you would not need to clear cut.

Doug Kendziorski noted that the trees closest to the drain field will get the most sunlight and feels the seven trees and three shrubs is a good compromise. He suggested moving the setbacks so that the structures were built closer to Monarch Way and the front yard setbacks, rather than closer to the rear yard setbacks. This would allow for more screening to the rear. You could also require that a certain percentage of trees be required to be maintained in the rear.

- a. Rose remarked that the bylaws require owners to maintain and replace trees.

Motion by Kendziorski to approve PPUDP21-01, a request by Kirk Rose on behalf of FOMCO LLC for a Preliminary Planned Unit Development Residential Overlay for the development known as Monarch Condominium on Orchis Trail and Monarch Way accessed via Bellmer Road and Blue Stem Drive within Section 25, Bear Creek Township. The properties are zoned FF-1 Farm and Forest and include the following properties: Tax parcels 01-16-25-327-001; 01-16-25-327-101 thru 117, with the following addresses: 1830 Orchis Tr, 5185, 5153, 5121, 5089, 5077 Monarch Way; 1888, 1871, 1839, 1815 Orchis Tr; 4966, 4978, 5010, 5042, 5074, 5106,

5138, 5170 Monarch Way respectively. The proposal is to allow all FF-1 Farm and Forest residential uses, recreational vehicle (RV) use as a primary or accessory use year-round, allow accessory buildings with or without a main use up to 2,400 sq. ft., and to allow outdoor storage with proper screening. Approval is based on the plans and application packet received Jan 11 2021 and the facts presented in this case, the applicant has met the standards of Article 16 for a Preliminary PUD-Residential Overlay and the underlying zoning district setback standards will apply as shown on the preliminary PUD plan, and that screening be put in place of 7 trees and 3 shrubs per lot along the south side. 2nd by Cyphert.

- ii. Roll Call: Olliffe, Brown, Kargol, Haven, Kendziorski, Cyphert
 - a. Yes: Olliffe, Brown, Kargol, Haven, Kendziorski, Cyphert
 - b. Abstaining from voting: Mays

Passed

VII. Case PPUDF21-03, FOMCO, LLC, FINAL PLANNED UNIT DEVELOPMENT RESIDENTIAL OVERLAY, Orchis Tr & Monarch Way, Section 25

See case details above.

Motion by Kendziorski to approve PPUDF21-03, a request by Kirk Rose on behalf of FOMCO LLC for a Final Planned Unit Development Residential Overlay for the development known as Monarch Condominium on Orchis Trail and Monarch Way accessed via Bellmer Road and Blue Stem Drive within Section 25, Bear Creek Township. The properties are zoned FF-1 Farm and Forest and include the following properties: Tax parcels 01-16-25-327-001; 01-16-25-327-101 thru 117, with the following addresses: 1830 Orchis Tr, 5185, 5153, 5121, 5089, 5077 Monarch Way; 1888, 1871, 1839, 1815 Orchis Tr; 4966, 4978, 5010, 5042, 5074, 5106, 5138, 5170 Monarch Way respectively. Approval is based on the facts presented in this case and the following: The proposal is consistent with the approved Preliminary PUD-RO and includes the PUD Agreement and Final PUD Plan dated received Feb 4 2021, the applicant has met the standards of Article 16 for a Final PUD-Residential Overlay and the underlying zoning district setback standards will apply. Approval is on condition that each site, as it is developed, will conform to the site plan and will plant evergreen trees as shown on the plan and as detailed in the recommendations of North Star Garden LLC's letter dated February 3, 2021 (screening to include 7 trees and 3 shrubs per lot). 2nd by Olliffe.

- iii. Roll Call: Haven, Kendziorski, Cyphert, Olliffe, Brown, Kargol
 - a. Yes: Haven, Kendziorski, Cyphert, Olliffe, Brown, Kargol
 - b. Abstaining from voting: Mays

Passed

Mays returned to meeting.

VIII. Case PPUDP21-02 FOMCO, LLC, PRELIMINARY PLANNED UNIT DEVELOPMENT RESIDENTIAL OVERLAY, Vacant Land Within Hearthside Grove (Phase VI), Section 25 & 26

Nancy Salar gave a background to this case:

Salar shared that the property is zoned I-1, light industrial. The request includes two properties totaling 45 acres. The properties are both located within the Hearthside Grove residential community. There is no new access proposed. The property does have access to Fotchman Industrial Park. The sites were originally approved as part of a manufactured community in 2000. Currently, the parcels are all vacant. Oversight of the development was under the State of Michigan until Oct 2020 when it was reverted back to county zoning. The proposal is to place the PUD-RO onto the property to allow all 81 residential lots, recreational vehicles with or without a main use, accessory buildings incidental to a main permitted use, a community center, storage, customary accessory buildings, merchandise store, professional real estate offices, dwelling units attached to commercial uses, and a restaurant with outdoor dining. The preliminary residential overlay will need township approval to move forward. The request includes a perimeter setback modification from the normally required 50ft PUD perimeter setback. The request is to use the underlying zoning district standards from the perimeter of the PUD-RO area designation. Lots would vary in size from 7,400sq ft-1,500sq ft. Density would be at 1.8 residential units per acre. If this is approved, then the final plan will give further details. Residential uses could be administratively approved, but any other non-residential uses would be subject to Planning Commission review. Surrounding uses include industrial uses to the west and north, and residential uses to the south and east. Additional information from the final PUD is as follows: There is a 200x500ft buffer area in the southeast corner which will remain open space and be maintained in natural condition. There are 10ft front yard setbacks, 0ft for the rear setback on internal lots, 5ft side yard setbacks and 20ft rear setback on perimeter lots. The draft PUD agreement lists rear setback on internal lots at 5ft. Lot coverage is proposed at 65% for any structures over 4ft in height.

- a. Mays questioned the 0ft rear setback on internal lots (when the draft PUD lists 5ft rear setbacks). 0ft could be right on the property line.
- b. Salar thinks it would have to follow the PUD agreement, which shows a 5ft setback.

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

Rose explained that the 0ft rear setback for internal lots was a suggestion from Tammy Doernenburg. The goal is to ensure that nothing is non-conforming. The 0ft line setback is to help as the PUDs and developments come together. This does not mean that the structure is going to be on the line on either side. The final PUD site plan shoes the buffer area in response to the concern from the neighbor at the last meeting. They also moved the dumpster and added proposed items such as commercial areas.

- a. Mays noted that the perimeter along the industrial park would be 20ft. She asked if there would be much screening there.
 - a. Rose noted that the screening will be something they put in place to make the lot desirable for someone to purchase.

Audience Comments:

Matt Heron is an attorney who represents Hearthside Grove Association. He noted that the access to this vacant land is through the main gated entrance at the front. He expressed concerns regarding the commercial and retail use. The restriction he is hoping for would be that the primary use would be for the motorcoaches and RVs with residential use as an accessory use (much like in Hearthside Grove), with no commercial retail use. He appreciates the fact that any commercial proposed uses will have to come back to the

Planning Commission. Ideally, he would prefer no commercial retail use. He pointed out that there is presently a dispute between the entities involved with the allocation of road costs. He is concerned about water usage and wants to ensure that Hearthside Grove would not be adversely affected by the water usage from the new community. Additionally, he expressed concerns with comments made previously about public access, and wanted to clarify that this is a gated community with limited access through the guardhouse. John Shanahan is an owner in Hearthside Grove and feels an agreed plan is needed going forward in regards to the roads and water system.

Ken Sharkey is an owner of industrial lots in Fotchman Industrial Park. He asked if a notification letter went out in regards to the 20ft proposed setback.

John Johnson noted about letters received from Emmet County dated Jan 13 and Feb 11. He raised issue with the dwellings attached to a business use and other commercial uses and sent a letter to Tammy Doernenburg. He feels the proposed commercial uses will significantly change the community and intent of the development. He noted that the second letter did not include as many commercial uses and asked if that had been removed.

Bill Barfield noted that it would be improper for the board to not take action based on an existing community because of a pending dispute. The disputes can be resolved in their own proper forum. The notice goes out to adjacent property owners. Barfield noted that Sharkey is a board member of Condo I and was aware of the changes requested.

Applicant Rebuttal

Salar remarked that notifications are sent to property owners within 300ft. We are addressing both the preliminary and final PUD. Rose took note of the concerns about water access and explained that roads have nothing to do with zoning. He has discussed with Welsheimer the fire standards and has his own water wells on site to supply the property.

Board Discussion and Questions:

Brown noted that the Planning Commission will hear the rest of the cases that pertain to Hearthside Grove at this meeting, but will move the last five cases to another meeting, which will be held on March 2, 2021 at 6:30pm.

Cyphert asked about the fire department report and fire protection engineering.

- a. Welsheimer explained that he has been working with Rose on this, who has been working with Gosling Czubak. The recommended time frame for the water system upgrade is 18 months, and Rose feels 24 months would be a better time frame. Welsheimer noted that this proposed water system upgrade is only to allow up to a 3600sq ft one/two family dwelling type building. If buildings were larger than this or buildings required an automatic sprinkler system, the system would have to be upgraded again.

Kendziorski noted that commercial uses will have to come back to the Planning Commission for review.

Motion by Mays to approve PPUDP21-02, a request by Kirk Rose on behalf of FOMCO LLC for a Preliminary Planned Unit Development Residential Overlay for vacant land within the development known as Hearthside Grove accessed via US-31 Hwy within Sections 25 & 26 of Bear Creek Township, tax parcels 01-16-25-100-014 and 01-16-26-200-053 based on the application packet and preliminary plans dated Received Jan 11 2021. Approval allows all residential uses including residences and/or recreational vehicles; recreational areas including shelter and apparatus; community center, storage, customary accessory buildings with or without a main use, general merchandise store, professional and offices, dwellings attached to business uses and restaurant with outdoor dining as accessory to the development. Approval is based on the facts presented in this case, allowing modification of the perimeter setbacks as shown on the plan, as the applicant has met the standards of Article 16 for a Preliminary PUD-Residential Overlay, with the condition that fire department requirements be met for approval (the proposed water system is only to allow up to 3600sq ft one/two family dwelling type buildings, anything larger than this or buildings requiring an automatic sprinkler system would have to have an upgraded water system), and that any commercial uses to be brought forward would have to be approved by the Planning Commission. 2nd by Kargol.

- iv. Roll Call: Brown, Kargol, Mays, Haven, Kendziorski, Cyphert, Olliffe
 - a. Yes: Brown, Kargol, Mays, Haven, Kendziorski, Cyphert, Olliffe

Passed

IX. Case PPUDF21-04 FOMCO, LLC, FINAL PLANNED UNIT DEVELOPMENT RESIDENTIAL OVERLAY, Vacant Land within Hearthside Grove (Phase VI), Section 25 & 26

See case details above.

Motion by Mays to approve PPUDF21-04, a request by Kirk Rose on behalf of FOMCO LLC for a Final Planned Unit Development Residential Overlay for vacant land within the development known as Hearthside Grove accessed via US-31 Hwy within Sections 25 & 26 of Bear Creek Township, tax parcels 01-16-25-100-014 and 01-16-26-200-053 based on the application packet, the draft PUD Agreement, and final PUD plans dated Received Feb 4 2021. Approval is based on the facts presented in this case as the applicant has met the standards of Article 16 for a Final PUD-Residential Overlay and allows internal lot setback standards as proposed, with the rear yard setback of 5' (or 0') and the following: all non-residential uses will require review by the Planning Commission and residential sites will require review by the Zoning Administrator, and that all fire department requirements be met (the proposed water system is only to allow up to 3600sq ft one/two family dwelling type buildings, anything larger than this or buildings requiring an automatic sprinkler system would have to have an upgraded water system). 2nd by Cyphert.

- v. Roll Call: Kendziorski, Cyphert, Olliffe, Brown, Kargol, Mays, Haven
 - a. Yes: Kendziorski, Cyphert, Olliffe, Brown, Kargol, Mays, Haven

Passed

The Planning Commission took a brief recess from 9:41pm-9:47pm.

X. Case PPUDP21-03 William Barfield for Hearthside Grove II Association PRELIMINARY PLANNED UNIT DEVELOPMENT RESIDENTIAL OVERLAY, Ciderpress Dr, Marshside Dr & Hearthside Dr, Section 25

Nancy Salar gave a background to this case:

Salar noted that this property is zoned I-1, light industrial. The request includes 25 properties totaling approximately 7.5 acres. The properties are located within the Hearthside Grove residential community. There is no new access proposed. The property has access from within the Hearthside Grove development via US-31. The sites were originally approved as part of a manufactured community in 2000. The parcels are currently configured and have been developed under the oversight of the State of Michigan until Oct 2020 when it was turned over to county zoning. The proposal is to place the PUD-RO on the properties to allow 24 residential lots and one open space lot, as configured and to allow recreational vehicles with or without a main use, year-round and accessory buildings incidental to or as a permitted main use. This PUD-RO would adjoin the other PUD-ROs and therefore no perimeter setback would be required. Interior perimeter setbacks proposed as developed and per condominium documents. Lots vary in size from 7,498sq ft- 13,564sq. ft. Density is approximately 3.25 residential units/acre. Common elements include ponds. Front yard setbacks are proposed at 10ft and sides at 5ft unless otherwise depicted. If the preliminary and final PUD-ROs are approved, the residential uses could be administratively approved when the development occurs and in accordance to the PUD standards. Surrounding uses are all Hearthside Grove residential and common uses.

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

Bill Barfield noted that Kirk Rose is the property manager and developer of this section. They are attempting to get the zoning consistent with what is already developed there. He is available to answer any questions about the association.

Rose clarified that the 0ft setback lines are the lines between the two developments/PUDs. The one spot with a 5ft front yard setback has to do with an irrigation main. He has been working with Tammy Doernenburg to ensure that they will be a conforming development.

- a. Mays noted that this section is already built out. Rose clarified that only two lots have not been built on, and they have already been sold. As people add on amenities, they can go through proper zoning. The bylaws have changed because it is not practical to bring up a motor home right now.

Audience Comments: None

Board Discussion and Questions:

Kendziorski noted that this PUD-RO will bring this use into conformity.

Motion by Kargol to approve PPUDP21-03, a request by Bill Barfield for Hearthside Grove II Condominium for a Preliminary Planned Unit Development Residential Overlay for developed parcels within the development known as Hearthside Grove accessed via US-31 Hwy within Section 25 of Bear Creek Township, 25 sites zoned I-1 Light Industrial including the following properties: Tax parcels 01-16-25-106-002 – a vacant parcel and 01-16-25-106-248, 01-16-25-106-257 thru 263, 01-16-25-106-265 thru 268, and 01-16-25-106-321 thru 332 with the addresses of 1824 Hearthside Dr; 1902, 1892, 1884, 1876, 1870, 1864, 1830, 1821, 1827, 1835, 1841, 1843, 1865, 1869, 1873, 1881, 1887, 1893, 1895, 1899, 1901, 1903 & 1907 Marshview Dr respectively. The approval allows 24 residential sites to be used for residential purposes with or without recreational vehicles and recreational vehicles as a main use year-round. Approval is based on the plans and application packet received Jan 11 2021 and based on the facts presented in this case, the plans meets the standards of Article 16 for a Preliminary Planned Unit Development Residential Overlay. 2nd by Haven.

- vii. Roll Call: Kargol, Mays, Haven, Kendziorski, Cyphert, Olliffe, Brown
 - a. Yes: Kargol, Mays, Haven, Kendziorski, Cyphert, Olliffe, Brown

Passed

XI. Case PPUDF21-02 William Barfield for Hearthside Grove II Association FINAL PLANNED UNIT DEVELOPMENT RESIDENTIAL OVERLAY, Ciderpress Dr, Marshside Dr & Hearthside Dr, Section 25

See case details above.

Motion by Haven to approve PPUDF21-02, a request by Bill Barfield for Hearthside Grove II Condominium for a Final Planned Unit Development Residential Overlay for developed parcels within the Hearthside Grove Community accessed via US-31 Hwy and private roads within Section 25 of Bear Creek Township. Approval is for 25 sites zoned I-1 Light Industrial with a PUD-Residential Overlay including the following properties: Tax parcels 01-16-25-106-002 – a vacant parcel and 01-16-25-106-248, 01-16-25-106-257 thru 263, 01-16-25-106-265 thru 268, and 01-16-25-106-321 thru 332 with the addresses of 1824 Hearthside Dr; 1902, 1892, 1884, 1876, 1870, 1864, 1830, 1821, 1827, 1835, 1841, 1843, 1865, 1869, 1873, 1881, 1887, 1893, 1895, 1899, 1901, 1903 & 1907 Marshview Dr respectively. The approval allows 24 residential sites to be used for residential purposes with or without recreational vehicles and recreational vehicles as a main use year-round. Approval is based on the plans received Jan 11 2021 and the draft PUD Agreement dated 2/4/2021 and based on the facts presented in this case, the plans meets the standards of Article 16 for a Preliminary Planned Unit Development Residential Overlay. 2nd by Kendziorski.

- vii. Roll Call: Cyphert, Olliffe, Brown, Kargol, Mays, Haven, Kendziorski
 - a. Yes: Cyphert, Olliffe, Brown, Kargol, Mays, Haven, Kendziorski

Passed

XII. Case PPUDP21-04 Melissa Williams for Hearthside Grove Condo I, Preliminary and Final Planned Unit Development Residential Overlay, 2300 Hearthside Dr+, Section 25

Nancy Salar gave a background to this case:

Salar remarked that this property is zoned I-1, light industrial. The request includes 143 properties, totaling 48.5 acres. Two of the sites are common elements and 141 sites are motorcoach residential lots. Properties are located within the Hearthside Grove residential community. Access is from the existing gated entrance at US-31 Hwy. The sites were originally approved as part of a manufactured community in early 2000, and were developed in four phases as shown on the map. Oversight of the development was under the State of Michigan until Oct 2020. The proposal is to place the PUD-RO onto the property to allow the development to be compliant with zoning and so that future development within the phases can be approved if PUD standards are met, thus eliminating the non-conforming status. The lots would primarily be used for recreational vehicles with or without a main use and accessory buildings

incidental to those main uses. Non-residential uses include the following infrastructure amenities: entry, gatehouse, roads, pool, clubhouse, and tennis courts. This is a combined preliminary and final PUD-RO review. The request includes a perimeter setback modification from the 50ft PUD perimeter setback to use the existing conditions for setbacks. Lots vary in size from 4,500 sq ft-12,100 sq ft. Density is 2.9 residential units per acre. If this is approved, future residential uses would be administratively approved, based on PUD standards per lot. Any other uses are subject to Planning Commission review. Surrounding uses include industrial uses to the west and north, Hearthside Grove residential uses to the south and to the east are commercial uses and conservancy land.

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

Matt Heron explained that this is similar to Hearthside Grove II, in that it is built out and they are trying to bring the property into a conforming use. There is still a possibility that bungalows could be built as accessory uses; this would take place in a conforming nature.

- a. Mays noted that this is built out, but needs the PUD-RO to match everything else.

Audience Comments: None

Board Discussion and Questions:

Olliffe asked if the bungalows would be administratively approved. Salar indicated that they would.

Motion by Kendziorski to approve PPUDP21-04, a request by Melissa Williams for Hearthside Grove Condominium I for a Preliminary and Final Planned Unit Development Residential Overlay for developed parcels within the Hearthside Grove Community accessed via US-31 Hwy within Sections 25 & 26 of Bear Creek Township. Approval is for 143 sites zoned I-1 Light Industrial with a PUD-Residential Overlay including the following properties: Those active tax parcels numbered 01-16-25-105-005; 01-16-26-250-001; 01-16-25-105-102 thru 105-440 and 01-16-26-250-432, 433 & 434. The parcels are located on one of the following private roads: Fieldstone Blvd, Ciderpress Dr, Hearthside Dr, Shadowood Dr, Bluestem Dr, Windover Dr, Sledding Dr or Marshview Dr. The approval allows 141 sites to be used for residential purposes with or without recreational vehicles and recreational vehicles as a main use year-round and 2 sites to be used for the entry, gatehouse, clubhouse and recreational uses as shown within the site plan packet dated received 2/1/2021. Approval is based on the facts presented in this case, the plans meet the standards of Article 16 for a Preliminary and Final Planned Unit Development Residential Overlay. Conditions of approval include those details described within the application packet and cover letter dated February 2, 2021, described in the Architectural Review Guidelines detailing setbacks within each parcel, lot coverage, and design standards. 2nd by Mays.

viii. Roll Call: Mays, Haven, Kendziorski, Cyphert, Olliffe, Brown, Kargol

- a. Yes: Mays, Haven, Kendziorski, Cyphert, Olliffe, Brown, Kargol

Passed

The remaining cases will be reviewed at a second meeting, to be held on March 2, 2021 at 6:30pm.

XIII. Public Comments: None

XIV. Other Business: None

XV. Next Meeting: March 2, 2021 at 6:30pm

XVI. Adjournment: 10:15 p.m.

Respectfully Submitted,

Emma Kendziorski

Emma Kendziorski, Bear Creek Township Clerk

Jim Kargol, Recording Secretary