

## Bear Creek Township Planning Commission Meeting

### March 2, 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 (Genesee County, MI), Kargol (Bear Creek Township, MI), Haven (Bear Creek Township, MI)
- a. Others in Attendance: Tammy Doernenburg, Denny Keiser, Roger Rensel, Phil Daniels, Al Welsheimer, Toni Drier, Connie Golding, Kyle Wright, David Finely, Joe Hoffman, Tom Urman, Ben Fettig, Brian Greene

**III. Pledge of Allegiance**

**IV. Approval of Minutes**

- a. **Motion** by Mays to approve the minutes of the February 24, 2021 meeting. 2<sup>nd</sup> by Haven.

**Passed**

**V. Case PSUP21-002 Phillip Daniels, SPECIAL USE PERMIT- Contractor's Use, 1475 Cedar Valley Rd, Section 10**

Tammy Doernenburg gave a background to this case:

Doernenburg explained that this is Phil Daniels' case for a special use permit for a contractor's use at 1475 Cedar Valley Rd. The parcel is on the corner of Cedar Valley and Greenwood Rd. It is zoned FF-1, as are all the properties surrounding it. The request is for a contractor's use for installation of insulation, with a request to allow for the business on the parcel with an exception to the property size requirement in the zoning ordinance. The property is approximately two acres, 1.71 net excluding the road right of way. The requirement in this zoning district for this standard is 600x600' minimum, so the request is to allow a waiver to that requirement. The owner resides on the property and there are no new buildings proposed. The maximum building size allowable is 2400sq ft and the existing buildings used for the business are 1620 sq ft. There is no outdoor storage proposed, although the applicant does utilize enclosed trailers for the business. There are no loading/unloading areas designated on the site plan. The site screening is utilizing existing screening along Cedar Valley Rd. It is relatively open along the south boundary and there is a hill behind the house and a building on the east side. Customers do not visit the site. There are nine parking spaces provided on the site plan. The road commission reviewed the entrance and has some requirements for meeting their standards; that will be addressed through the road commission. The location is acceptable to the road commission. The fire department review has been received. No storm water drainage is provided- the applicant requested a waiver. The soils are sandy and Linwood muck along the northwest corner. There is ample snow storage area provided and a screened dumpster location provided on the northwesterly corner of the parcel. There is a residential well and existing septic system on site. There is no outdoor lighting proposed and the sign location was indicated on the site plan, which does meet the standards of the ordinance for size. The entrance is off Cedar Valley Rd. The site includes a house, detached accessory buildings, storage containers and enclosed trailers. Doernenburg shared that this first came to the Planning Commission as an enforcement case. Since then, the applicant worked with Doernenburg to provide the details for a site plan. The owner has indicated that this has been in business for over 25 years without complaint. They were investigating other uses in the area that had not been approved, which brought this to their attention. This case was reviewed to attain compliance. The setback standards are met. Doernenburg addressed the questions of the commissioners. The Farm Forest zoning district does not limit the number of accessory buildings, but it does limit the overall lot coverage at 35%. It is limited by the setbacks. This is well under that requirement. The driveway will be the responsibility of the Emmet County Road Commission to set and enforce standards. They did indicate that the location was acceptable to their standards for commercial access. In regards to outdoor storage, that will be enforced based on the site plan. There are six parking spaces required and three employees for this business. There are nine parking spaces provided. The public will not be coming to the site. We do not have hours of operation at this time. Doernenburg noted that the road commission will likely require a smaller driveway approach. Landscaping on either side of the driveway is not required by the ordinance in this case, but it is required for commercial abutting residential. The Planning Commission could request painting or landscaping if desired. There is some landscaping around the sign, but it is not extensive.

- a. Kendziorski asked for clarification regarding screening when commercial abuts residential. Doernenburg explained that the ordinance requires certain uses to be screened from other uses. So if there is a commercial use adjacent to a residential use, then screening can be required. Typically it would be for a parking area or if there was a use that could be considered objectionable. The site plan does show existing trees along the east side and it would be wise to ensure that those trees remain on the site plan.
- b. Mays noted that the existing screening shown on the site plan is sparse. She would like to require more screening. Kendziorski agrees.

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

Phil Daniels explained that there are quite a few trees that bloom out nicely in the summertime, both along Cedar Valley and behind the house. In the summer, 85% of this is screened from the neighbor's view. He has removed the old red shed from the yard and cleaned up things in the yard to help attain compliance.

- a. Kendziorski asked if Daniels had any further input on the questions from the commissioners raised by Doernenburg.
- b. Mays asked the hours of operation. She asked if the applicant would be willing to add screening towards Elmer's to fill that area in. Although it may be heavily screened in the summertime, it gets quite sparse in the winter. It would be nice to add some trees that stay year round.
- i. Daniels noted the hours of operation would be 7am-5:30pm Monday-Friday. He occasionally works on a Saturday. Daniels offered to lay a cedar hedge along that side of the driveway, going towards Elmer's.

- c. Doernenburg noted that the Planning Commission may not want to require screening along Greenwood, as it could block sight distance.
  - i. Kendziorski would like to see some trees added along Greenwood. It doesn't have to be heavy, as to block sight distance, but at least to add some.
  - ii. Haven noted that the existing screening does fill in nicely in the summertime. He remarked that there have been no complaints from the neighbors. The intersection of Greenwood and Cedar Valley is dangerous and he does not want to put in trees along Greenwood, for a safety concern.
  - iii. Kargol agrees. When you come down the hill on Greenwood, it is important to be able to look through that intersection to see if anyone is coming.
- d. Cyphert noted a concern regarding screening to the residence to the east. He would like to see some cedars added there.
  - i. Daniels noted he could add cedars there and maybe some spruce.
- e. Kendziorski asked about the things that are currently outside in between the two shipping containers. Can that be removed and put inside the shipping containers?
  - i. Daniels explained that it his tractor and barrels, plus some tires used in the summer. He doesn't have anywhere else to put those things.
- f. Mays asked about bringing the storage containers together and painting them, for the sake of uniformity.
  - i. Daniels asked if he had to paint them. He likes having space between them to store and screen the barrels.

Audience Comments: None

Board Discussion and Questions:

Brown noted that we have had some good suggestions to bring this up to standard. Kendziorski suggested moving the storage containers to behind the screening along Cedar Valley. Daniels does not want to lose snow storage.

**Motion** by Mays to approve Case#PSUP21-002, Philip L Daniels for a Special Use Permit for a contractor's use on property located at 1475 Cedar Valley Rd, Section 10, Bear Creek Township, tax parcel 24-01-19-10-100-015, as shown on the site plan dated January 12, 2021 because the standards for a contractor's use have been met except that the Planning Commission allows a modification to the property size and on condition that the standards of the Emmet County Road Commission be met, that hours of operation be shown as 7am-5:30pm Monday-Friday, that the requirements of the Road Commission be met, that cedar or evergreen screening be added to the left of the driveway along Cedar Valley (at least two trees, a minimum of 6ft in height each), added going up the left of the driveway (at least two trees, a minimum of 6ft in height each), added behind the home to screen from the neighboring residence (at least 6-8 trees, a minimum of 6ft in height each). 2<sup>nd</sup> by Cyphert.

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

**Passed**

**VI. Case PREZN21-01 K Wright Holdings LLC, REZONING, R-1 One & Two Family Residential to B-2 General Business, East side of Anderson Rd, Section 18**

Tammy Doernenburg gave a background to this case:

Doernenburg explained that this parcel is located on the east side of Anderson Rd, south of Lears Rd, in the vicinity of Flynn's Pit. This is also in the vicinity of the Poquette case that the Planning Commission saw last year. It is currently zoned R-1 One & Two Family Residential and the request is to rezone it to B-2 General Business. There is B-2 on the south and east side. Across the road is zoned R-1 currently, but is part of a consent judgment. It is commercial on the west side of Anderson Rd. The site is a flat location next to Flynn's Pit, which is on the south side. The north side is relatively flat. It is .64 acres in area with 125ft of lot width and 206ft of lot depth. It is an open grassy area which does not have an established use. This is directly across from the access drive into the Lowe's/Adli area. The future land use map shows this to be commercial, and commercial and B-2 are synonymous. Doernenburg reviewed the rezoning standards of Section 27.11.1: "Is the proposed zoning consistent with the Master Plan? Are all of the uses that are allowable within the proposed district rezoning consistent with surrounding uses?" This is consistent with surrounding uses and with the Master Plan. "Will there be an adverse physical impact on surrounding properties?" Doernenburg does not believe there will be an adverse impact. When we reviewed the Poquette case for the properties to the north, at that point, the Planning Commission considered rezoning this. "Will rezoning create a deterrent to the improvement or development of adjacent properties in accordance with existing regulations?" Doernenburg does not believe this rezoning will cause a deterrent. "Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?" Doernenburg believes that is true, as we have seen much change in that area. "Will rezoning grant a special privilege to the property?" It would not, as it is consistent with surrounding uses. "What is the impact on the ability of the county and other governmental agencies to provide adequate public services?" Public services are there, since it is on a well maintained road and there are services available for city water and sewer. "That it will not increase inconsistency between the zoning ordinance and structures in the area." That is not applicable to this case. These are the standards for rezoning, per the ordinance.

- a. Haven asked about the outstanding question of sewer and the City of Petoskey. Doernenburg clarified that it would be up to the township if they would have sewer capacity for a business there.
  - i. Keiser explained that capacity is not the issue, rather, the issue is that there are no sewer lines on Anderson Rd. There would need to be a sewer extension, which would be costly, and not financially feasible for a small site.
  - ii. Haven asked if the applicant would incur the cost for township sewer. Keiser clarified that they would have to incur the cost. The nearby properties are all served by septic and private sewer.
  - iii. Haven noted that they could have their own private septic instead of tying into township sewer.
- b. Mays asked if we should rezone the other two lots going towards Lears Rd, for consistency.

- i. Doernenburg noted that the other property owners were encouraged to apply, but we cannot rezone them tonight. The Planning Commission could look at rezoning these properties in the future.
- c. Cyphert asked if a proposed sewer extension would come down Lears from 131 and then go south on Anderson. He feels it would make sense to rezone that area down Lears Rd and along Anderson. The Future Land Use Map has this as commercial.
  - i. Mays noted that we cannot address it tonight, but should soon. Brown agrees.
- d. Haven noted that at this point, it is just a rezoning. The sewer can be addressed at a later date when a site plan is brought forward.

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

Kyle Wright explained that he does not need a sewer line at this time. He is looking to change this to commercial. His future plan would be for mini storage units.

- a. Mays remarked that storage units would need sewer. Cyphert agrees, with surface runoff.
- b. Kendziorski agrees that this rezoning seems to be consistent with the area and the Future Land Use Map.

Audience Comments: None

Board Discussion and Questions:

Cyphert asked if this property is adjacent to the vacant parcel with the garage. Wright confirmed.

**Motion** by Haven to approve Case#PREZN21-01, Kyle Wright Holdings, LLC to rezone tax parcel 24-01-19-18-100-021 on Anderson Rd in Section 18 of Bear Creek Township from R-1 to B-2 because the applicable requirements of Section 27.11.1 are met. 2<sup>nd</sup> by Kendziorski.

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

**Passed**

**VII. Case PREZN21-02 Roger Rensel, REZONING, R-1 One & Two Family Residential to B-2 General Business, West side of McDougal Rd, Section 8**

Tammy Doernenburg gave a background to this case:

Doernenburg explained that this parcel is located on the west side of McDougal Rd, just north of Greenwood Rd. It is zoned R-1 One & Two Family Residential and the request is to rezone it to B-2 General Business. It is 9.58 acres with a width of 328.5ft and 1274ft deep. It is currently a vacant, open meadow land and is relatively flat. The zoning map shows that R-2 is the zoning to the north and R-1 is the zoning all the way around. NCMC owns the property immediately to the west. There is a non-conforming business use to the south. There is a second, similar type non-conforming business further south of Greenwood on McDougal. The future land use map shows this parcel as high-density residential. There is residential up to the city limits. Doernenburg reviewed the standards for rezoning: "Is the proposed rezoning consistent with the Master Plan?" It is not consistent. "Are all of the allowable uses in the proposed district reasonably consistent with surrounding uses?" It would be potentially consistent with the non-conforming business in the south, but that business is all indoors. B-2 would allow for outdoor storage and display. "Will there be an adverse physical impact on surrounding properties?" We are not sure, because there are many using that could be allowed in a B-2 zoning district. "Have there been changes in land use or other conditions in the immediate area or community in general which justify rezoning?" This does not appear to be the case. There have been some road expansions, but that was for access to the school and residential increase. "Will rezoning create a deterrent to the improvement or development of adjacent properties in accordance with the existing regulations?" Existing regulations allow for residential uses. "Will rezoning grant a special privilege to the individual property owner?" This could be considered spot zoning, which is typically not something that the Planning Commission should allow. "What is the impact on the ability of the county or other governmental agencies to provide adequate public services?" There is road access but no sewer or water there. The last standard does not apply. Doernenburg shared letters from NCMC opposing the request, the City of Petoskey stating that it is not consistent with their Master Plan or the Emmet County Master Plan, and a letter from Little Traverse Bay Housing Partnership stating that this property is zoned residential and should stay that way.

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

Roger Rensel shared that his intention is to use this property to expand his business. He is currently leasing property in the business down the road (the non-conforming use further south past Greenwood). His intention is to build a new building and move his business there.

- a. Olliffe asked what his business is. Rensel clarified that his business is Hyde Services. He sells commercial equipment and does hydraulic and small engine repairs.
- b. Mays asked if the existing business would stay. Rensel noted that if he was able to buy this parcel, he would build on it and move out of the building he is in there. He is running out of showroom and shop space.

Audience Comments:

David Finley is the president of NCMC. He noted that the college is supportive of vibrant and livable communities and would want to avoid spot zoning. The college does not support this request and desires that the use of that area is compatible with the natural area. This request is not consistent with the Master Plan and there have been no changes in the area that would encourage this type of rezoning.

Joe Hoffman asked how much outdoor storage would be allowed with this rezoning.

Jeff Haven asked if he owns the property. Rensel clarified that he has an offer in on the property pending rezoning.

Tom Urman would like to stay with what the Master Plan shows for land use.

Board Discussion and Questions:

Cyphert made noted of the various types of commercial businesses that could go into that property if it was rezoned. Are there other vacant B-2 properties available elsewhere in Bear Creek?

- a. Doernenburg suggested there is some B-2 available along US-31, such as the former Humane Society, as well as a property across from Krings. US-31 is the area in the Future Land Use designated for commercial growth. There may also be other available parcels in the 131/Lears Rd area that are zoned B-2.
- b. Rensel noted that Hyde has already been in that area for 60 years and that location is beneficial for the longevity of the business. It is already next to a non-conforming business. This would be two, non-conforming commercial businesses on abutting properties.
- c. Mays suggested that if he had a location on the highway, it would be noticeable and he would be able to have some more display, which could be good for business.

Brown feels this should remain R-1.

Haven noted that we need to look at this case as a standalone piece of property, rather than factoring in the other non-conforming uses.

This does not conform to our Master Plan. Olliffe agrees.

Kendziorski remarked that we just heard a housing presentation about the need for housing in this community. It would be counter-intuitive to rezone an area we had designated for high-density residential, which is much needed, to commercial. She also feels it is inconsistent with the Master Plan. She asked about Hoffman's earlier question.

- a. Doernenburg noted that in B-2, outdoor storage and display would be a use by right.

**Motion** by Kargol to deny Case#PREZN21-02, Roger Rensel to rezone tax parcel 24-01-19-08-250-006 on McDougal Rd in Section 8 of Bear Creek Township from R-1 to B-2 because the applicable requirements of Section 27.11.1 are not met. 2<sup>nd</sup> by Cyphert.

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

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

Passed

**VIII. Case PSUP21-003 Ben Fettig for BM Greene LLC, SPECIAL USE PERMIT, Outdoor Sales and Sports Facility, 2088 N US 31 Hwy, Section 26**

Tammy Doernenburg gave a background to this case:

Doernenburg shared that this is a reuse of a property; it is on the south side of US-31. This was previously an outdoor adventure with some go-carts, mini-golf, and a driving range. This is on the south side of 31 and is zoned B-2 and FF-1. The proposal is to demolish the existing buildings and build a new building. The property is approximately 43 acres. The front portion zoned B-2 is to a depth of approximately 550ft. There is a tower on the property that will continue to be accessed through the parcel. It appears that the driving range would remain in place, as well as the parking for that. The adjacent properties are all zoned business as well, except to the south is zoned FF-1. There is an existing driveway access onto US-31 that has been approved by MDOT. They are not asking for any changes. There were some changes proposed to the drainage to allow the drainage to go onto the highway right of way and that is in the process of approval. It does look like MDOT will allow for that. Outdoor sales is allowed as a special land use in this zoning district, which would cover the proposed use. There would be a showroom, office, shop and maintenance area within the proposed buildings. All of the setback standards are met for the building and for parking. The front setback is proposed to be 108ft, side at 45ft, and 70ft from the driveway access to the tower. The building is T-shaped, with 136ft long by 60ft wide for the front piece, and 100ft by 60ft for the back portion. 58 parking spaces are required and the parking exceeds the standard. No bicycle parking is proposed on the site, which is something that should be provided per the ordinance. Outdoor display is a special land use in the zoning district. The driveway is proposed to be paved and a sealed drainage plan has been provided. We do need a cost estimate from the engineer to determine what the performance guarantee would be. The site is served by a private well and sanitary sewer. Snow management is shown on the plan around the perimeter of the parking area. No outdoor lighting or signage is identified; that can be done administratively at a future time. There is an existing building that was used for maintenance and customer service (that would be demolished and replaced with the new building). There is an existing sign on the front of the property and existing driveway. Doernenburg reviewed the questions asked by commissioners: There is a current location on M-119 and W Conway Rd, with some outdoor display there. EGLE and the Bear Creek Township Building Dept can regulate that the necessary oil and gas containment methods are being used in service work. The access to the tower already exists and the tower company will most likely require the adequate turnaround area for their needs. This is a private easement that would be maintained and the property owners would be responsible to work through that agreement. The area for outdoor display is marked on the site plan and is drawn to scale. The ordinance does require that along the front, there should be a designation for enforcement purposes. The current zoning is B-2 along the highway and FF-1 to the rear of the property. MDOT has signed off on the access and they are satisfied with the location. The number of outdoor display units is not as important as the location of the units (from an enforcement standpoint). The request is for outdoor display to reuse this site as proposed.

- a. Mays asked if the batting cage and driving range is staying. Doernenburg noted that it appears that the driving range is staying. Cyphert asked how you would get to the driving range. Would you have to cross through a dealership parking lot?
- b. Kargol asked if the business would be contained within the 550ft of B-2. Doernenburg confirmed. This would be limited based on the site plan.

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

Ben Fettig shared that the driving range is being removed. Brian Greene confirmed. The parking will stay the same.

- a. Haven likes that the outdoor display is designated on the site plan. However, it needs to be clearly defined on site (to match the site plan). It could be a concrete pad, woodchips, etc. This is important for enforcement purposes. He would like to see exact sizes and definition. How is it going to be designated?

Brian Greene explained that there would be around 10 vehicles outside on display. The retail space is large enough to have the vehicles either beside or inside the building (for security). There would be a landscape feature with a few vehicles surrounding that.

- a. Fettig suggested boulders to define the space to display vehicles. Most of the units would be either inside or in front of the building. Brown suggested a split rail fence as a way to designate the front of the display space. Greene noted this display area would be near the center, most likely a 50ft area. Fettig agreed there is sufficient space for display.
- b. Haven asked if we can limit the outdoor display on the site plan. Doernenburg noted that if there was a split rail fence, it would have to mark the front and corners. You could also use fence posts. This display needs to be identified not only on the site plan, but on the property itself. Haven suggested a split rail fence and gravel.

Cyphert asked about parking for bicycles.

- a. Fettig noted that they can put a bike rack up, but most people would not be likely to ride a bike down 31. Greene is okay with adding a bike rack. Doernenburg suggested putting the bike rack in a parking space, as there is ample parking.

Mays asked about maintenance. Will there be deliveries and trucks coming in? Is there enough flexibility around that building for a semi? Is there an unloading zone and doors for unloading? Are there pads for doorways? Mays feels the northeast back corner is quite narrow and wants to make sure there is enough room. She asked if this would be in addition to the M-119 location.

- a. Greene noted that the parking area should be ample for the semi to go around. The semis currently have no problems unloading in their present, smaller location. The plan would be to move the powersports operation to this location and retain the M-119 location for rental fleets.
- b. Cyphert feels this is a good plan, as it allows snowmobiles access to trails in that area.

Brown asked about the large crates from deliveries. Where do the crates go and how long would they be outside?

- a. Greene explained that there are several deliveries a week. The crates for the snowmobiles and ATVs are taken inside for the units to be assembled. The crates are then folded and stacked. Polaris comes to pick them up to recycle them. The crates would be stacked behind the building, so you could not see them from the road. They could be placed on the east side of the storage bay. There are typically 20-40 crates stacked up before Polaris comes to pick them up. They stack to about 10ft tall in total (each crate folds down to about 6 inches). These crates would not be visible from the highway. It is hard to know when these crates would be picked up, as it is dependent on Polaris.
- b. Doernenburg noted that these crates need to be on the site plan and screened to the maximum height.
- c. Mays asked if you could put the crates off the pavement in the back? You could always pave a spot and screen it.
- d. Green explained that the intention is to put the crates behind the building. There is also B-2 zoning that extends behind Brown Motors. The building would be adequate to provide screening.
- e. Doernenburg clarified that there is more than enough parking, potentially where the deliveries come in could be paved but not identified as parking.

Cyphert asked about surface water runoff. He wants to ensure that the water runoff will not hinder the neighbors.

- a. Doernenburg explained the elevation and drainage plan. We will need to require a performance guarantee in the amount provided by the engineer.

Olliffe noted that we will need to require masonry screening for the dumpster.

Brown asked about the proposed building. What are the materials and peak height?

- a. Fettig noted that this will be a darker color building with a conventional wood frame with tresses. They are considering the possibility of a steel building, due to the high construction costs. The footprint would stay and it would have the same look.
- b. Doernenburg clarified that the peak height would be 20ft proposed halfway between the peak and the eave.

#### Audience Comments:

Keiser feels we can work to get the storage for the containers and the outdoor display defined.

- a. Doernenburg clarified that they could identify an area and bring in a final site plan for zoning.
- b. Greene suggested a 20x20 area for crates. That would fit with more than enough room as the back of the building is 60ft.

Haven asked about the abutment that comes out in the back of the building. Is there approximately 20ft on each side of the door?

- a. Fettig clarified that there is a concrete approach with no loading dock. He suggested putting the units in the parking space designated as "3" on the site plan. Haven noted that this would be screened in every direction.

Al Welsheimer asked if the crates are all metal. If any were plastic or wood and were next to the building, it would be a fire hazard.

- a. Greene indicated that they are all metal foldable crates.

#### Board Discussion and Questions:

Kendziorski would like to see this case move forward. It is a good plan and use of the area and we can add the needed elements to the site plan. Cyphert asked what specifically needed to be added to the plan. Brown summarized the additions: a cost estimate for drainage, demarcation for the outdoor storage area, a bike rack, and screening for the crates in a 20x20ft area. Mays and Cyphert suggested adding the proper dumpster screening as well.

**Motion** by Mays to approve Case#PSUP21-003, Ben Fettig for BM Greene LLC for a Special Use Permit and Site Plan Review for an outdoor sales lot and sports facility, on property located at 2088 N US 31 Hwy, Section 26, Bear Creek Township, tax parcel 24-01-16-26-200-033, as shown on the site plan and application packet dated Received Feb 3, 2021 based on the fact presented in the case and because the standards of Articles 11, 19, 20, 21, 22 and Section 26.42 have been met and on condition that any exterior lighting and signage be reviewed by the zoning administrator, a performance guarantee in the amount TBD by the engineer be submitted prior to issuance of a zoning permit, the dumpster be screened as required by the zoning ordinance, the outdoor display area along the front by designated with split rail fence or stakes and shown on an updated site plan, and that any mechanical equipment be screened as required in Section 20.05J, and to add a bicycle rack and that the outdoor storage for the crates be limited to the area of parking space "3" on the northeast side, in the backside of the building, not to exceed a 20x20 space. 2<sup>nd</sup> by Olliffe.

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

**Passed**

**IX. Case PPTTEXT21-01 Emmet County Planning Commission, Zoning Ordinance Text Amendment Administrative Review Sections 2, 20.05, 20.07**

Tammy Doernenburg gave a background to this case:

Doernenburg remarked that this is the text that the Planning Commission reviewed previously under “other business”. It would allow for administrative review of cases that are uses allowed by right. The zoning administrator, in consultation with two planning commissioners, and a township representative, could review and make administrative decisions in these cases (that meet the criteria). There would still be fire dept and MDOT/road commission review. Things that were approved under those conditions would be reported back to the township. The only update is that industrial is now included. This is the first time this text amendment has been formally on the agenda. The Board of Commissioners will have to approve this. Lastly, Doernenburg noted that if this was an enforcement case, it would automatically go to the Planning Commission.

Audience Comments: None

Board Discussion and Questions: None

**Motion** by Haven to recommend approval of PPTTEXT21-01, Emmet County Planning Commission, to amend the Emmet County Zoning Ordinance to establish an administrative review process, as detailed in the DRAFT Administrative Review Zoning Amendment – February 2021 document including a definition for Floor area, gross; Amendment to Article 20, Sections 20.05 and 20.07. Upon adoption of the Zoning Ordinance text amendment, the Emmet County Planning Commission by-laws will be updated to reflect the changes proposed during the review of this case. The recommendation of approval is based on the facts presented, the proposal is consistent with the Emmet County Master Plan and is intended to encourage economic growth when Zoning Ordinance standards are met. 2nd by Kargol.

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

**Passed**

**X. Public Comments**

Haven asked if the Coveyou case will be presented at the county meeting. Could he bypass us and present it directly there?

- a. Keiser noted that his case was tabled, and it is likely that the county will follow suit to our recommendation. However, they could make a decision independent of the township if they chose to.

Brown noted that he is glad Doernenburg is back for this meeting, and acknowledged that Nancy Salar did a great job at the last meeting.

**XI. Other Business**

**XII. Next Meeting:** March 31, 2021 at 6:30pm

**XIII. Adjournment:** 8:30p.m.

Respectfully Submitted,

*Emma Kendziorski*

Emma Kendziorski, Bear Creek Township Clerk

Jim Kargol, Recording Secretary