

## Bear Creek Township Planning Commission Meeting May 26, 2021 – Zoom Meeting

- I. **Called to order:** 6:32 p.m.
- II. **Roll Call:** Brown (Bear Creek Township, MI); Cyphert (Bear Creek Township, MI); Olliffe (Bear Creek Township, MI); Mays (Bear Creek Township, MI)  
**Others in Attendance:** Tammy Doernenburg, Denny Keiser, Ryan Diederichsen, Tom Urman, Joe Hoffman, Al Welsheimer  
**Absent:** Haven, Kargol, Kendziorski
- III. **Pledge of Allegiance**
- IV. **Approval of Minutes:** Motion by Mays to approve the minutes as presented. 2<sup>nd</sup> by Cyphert. Motion carried
- V. **Case PPUDF21-05 Kristi Schuil, Planned Unit Development-1 – Amendment Campground, 2800 E. Mitchell Rd., Bear Creek Township**

Tammy Doernenburg gave a background on this case and now want to have camping allowed. The property is zoned PUD. The surrounding zoning districts are R-1 One and Two Family Residential. The property is 20 acres in area. The PUD encompasses approximately 80 acres. Permitted uses within the original PUD were residential and related accessory uses south of the subject parcel. The subject parcel, on the original PUD, doesn't identify specific uses, however the Plan shows residential, agricultural, open space, and trail usage. The site is used for agricultural purposes including growing fruits and vegetables. The commercial farm operation is regulated by the Michigan Right to Farm Act. The event use on the existing farm was approved in 2020 (for up to 99 guests). The winery was previously approved administratively. The subject property is impacted by wetlands which are identified on the plan. The proposal is to allow up to five recreational vehicles to camp overnight. Camping proposed to be "dry camping only" with no utility hookups or fire pits. The access is an existing commercial access put in for the events and there is a second drive for the house and other out buildings. Campers began to occupy the site overnight in 2020. Letters were sent to the owners in 2020 to inform that the camping use was not permitted and not an approved use. In March, April and May of 2021 campers were observed on the property in the same vicinity as in 2020. A notice of Violation was issued to both property owners on April 29, 2021 – fines have not been paid with the response to the notice being this application for review. The proposal is to amend the PUD to allow camping on the property. Board of Commissions review will be required. The buildings all exist on the subject parcel, no new buildings proposed. Fire Department review has not yet been received. Locations proposed to vary, with camping occurring on grass parking areas to the east of the barn, houses and accessory structures. The location is not screened from E. Mitchell Rd. or from the residences to the east.

This would require State of Michigan approval. The Fire Dept. has no problem with the request since it will have no fire pits and no other buildings proposed.

Doernenburg went over Section 26.26 in the Zoning Ordinance on what it would need to meet. It is not permitted in the underlying zoning of R-1 but could be approved by us in the PUD. It would then go to Emmet County Planning and on to the Emmet County Board.

**Applicant:** Kristi Schuil responded that when the camping was done last year she did not know that it was not allowed. The camping is just for a night. The camper that was there for 10 days was storing it there and did not know it was a problem. When she received the ticket, she went to the Court House and they did not know anything about it. Due to circumstances she did not get it paid yet. She asked if Right to Farm Act and Camp Rules go together and where does it fit in

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with this request? Just feel this would be nice for people to enjoy the property and the surrounding area. Will not fight this for 6 years like the events issue.

**Public Comment:** Joe Hoffman asked if screening is required in the Farm Forest zoning. Also does not feel this is a good location where it is planned without the screening. Not really in favor of the camping being there.

Heidi Dumas is not sure about all the rules on camping and asked if we could explain why you can't on personal property.

Doernenburg stated that zoning is to keep similar land uses together. The Zoning Ordinance identifies different land uses in the R-1 and this is a use that is not allowed in this zoning.

Schuil was curious on why Hoffman does not agree with the camping in this area.

Brown stated that it is Hoffman's opinion and he has the right.

Schuil does not agree to put the camping in a cluster.

Hoffman stated that he is concerned with the R-1 and the visibility and feels it should be screened.

Schuil stated that the sub-division in back of the property was sold probably 20-25 years ago and still has had no activity.

Olliffe stated that possibly we could have her scale it back to 4 sites and call it self-contained vehicle parking and not camping.

Brown stated that the property is zoned R-1 with a PUD overlay. The campground is not permitted but with the PUD we could allow. Before we dig into too deep, want to see what the Board feels before going forward.

Cyphert is not really interested in having camping in this area with residential all around it. We have 2-3 campgrounds in the area and do not see the need.

Mays felt the same as Cyphert. Not a good location for camping.

Brown agrees also.

**Motion** by Mays and 2<sup>nd</sup> by Cyphert we deny Case #PPUDF21-05, Kristi Schuil, Planned UniDevelopment Amendment, Preliminary and Final and Site Plan Review – for camping of up to 5 campers, on property located at 2800 E. Mitchell, Bear Creek Township, tax parcel 24-01-19-03-100-014, as shown on the site plan dated April 26, 2021 based on the facts presented in this case and for the following reasons: the surrounding properties are zoned R-1 One and Two Family Residential and the proposed campground use is not permitted within the residential zoning districts, there is no screening required for a campground per Section 26.29, the land is not large enough to support another special land use (required by Sections 26.29, 26.50 & 26.51).

**Roll Call Vote:** Yes: Brown, Cyphert, Mays

No: Olliffe

**Motion carried**

**VI: Case PSUP21-013 Ralph Stabile for Mackinaw Trail Winery, Inc., Special Use Permit – Site Plan Review – Amendment, Winery – 3423 US 131S Hwy., Bear Creek Township**

Dornenburg reported that the property is zoned FF-1 Farm and Forest. The property is 27.6 acres. The property was approved for a winery and event use administratively in 2012 and 2015 respectively with an additional farm use building constructed in 2016. All adjacent properties are zoned FF-1 Farm and Forest. Adjacent uses are primarily large lot residential. Access is a commercial entrance on US 131S Hwy. The proposal is to add a 1,300 sq. ft. outdoor seating area to the north side of the winery with a patio and pergola (65'X20'). Approximately 15 acres of vineyard exists on the property. The existing winery production facility, office and tasting room is 8,250 sq. ft. The event building is 2,700 sq. ft. The proposed outdoor seating area (and existing buildings) meet the setback standards of the Zoning Ordinance. Parking exists with no expansion proposed.

Site is served by existing well and on-site septic/drainfield. Snow storage area is shown on plan. No outdoor lighting identified. Signage and Lighting can be reviewed

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administratively at a future time. Height of pergola is 10'6". Also camping is not allowed on this site also.

**Applicant:** Not present (Keiser will call to see if he is available if needed)

Cyphert asked if the petitioner was notified of the time of meeting and being zoom.

Doernenburg stated that they were.

Olliffe stated that he talked to the owner today and they thought the person who did the plans was going to be present.

**Public Comment:** Hoffman would have liked to hear from the applicant and wondered if there would be any noise from this.

Brown brought it back to the board due to no other public comments.

Cyphert asked Olliffe if the owner thought the Construction Co. was going to be here. From what he sees is that they are taking the 4 picnic tables and putting a floor under and then a pergola over it and it should make it much nicer. Hoffman mentioned noise and feel they have a wooded area behind them and a long way off the highway and do not see where noise would be a problem.

Mays agrees that noise should not be a problem and feel this is an improvement to what they have. Hoffman clarified that it will be an improvement with the wall and pergola and make the noise less.

Brown asked Doernenburg on which way we should go since the applicant was not present.

Keiser stated that he left a message and we could move forward and wait to see if he contacts us.

Cyphert stated that he has not heard any questions the Board may have for the applicant and do we need to wait.

Keiser had Dan Pater, Burdco, Inc. on the phone and Brown inquired in regards to noise and Pater responded that it is just outside seating for people who come for wine. The wedding pavilion would probably make more noise than this would. There will possibly be only about 20 people in all out there. Not sure about the hours of operation but could be till 6 p.m. or so.

Brown asked him if he had any questions for us. None.

Olliffe stated that the seating capacity is at least 30.

**Motion** by Cyphert and 2<sup>nd</sup> by Olliffe we approve Case #PSUP21-013, Ralph Stabile for Mackinaw Trail Winery Inc. for a Special Use Permit and Site Plan Review for a winery addition of outdoor seating/pergola on property located at 3423 US 131S Hwy. located in Bear Creek Township, tax parcel 24-01-19-100-026, as shown on the site plan packet dated May 12, 2021 because the standards of Articles 8,20, 21,22 and Section 26.50 & 26.51 have been met based on the facts presented in this case and on condition that any exterior lighting and signage be reviewed by the Zoning Administrator, approval recognizes the existing use of winery and event use and authorizes those uses to continue as originally approved and on condition that the property remain at its current size for the duration of the winery and event use, and that the active agricultural use remain.

**Roll Call Vote:** Yes: Cyphert, Olliffe, Mays, Brown **Motion carried**

#### VII. Case PPTXT21-02 Emmet County PC Text Amendment, Flags, Section 22.02.7

Doernenburg stated that this proposed text amendment will be heard at the next Emmet County Planning Commission meeting on June 10, 2021 at 7:00 p.m. They are looking at replacing Section 22.02.7 Flags with the following: A) Permits Required., No property owner may erect or construct any flagpole higher than thirty (30) feet above ground without first obtaining a Zoning permit. Metal flagpoles requiring a zoning permit shall be engineered and constructed in accordance with the American National Standard Institute – National Association of Architectural Metal Manufacturers (ANSI/NAAMM) Guide Specifications for Design of Metal Flagpoles, FP 1001-97 as amended. B) Approval Process. Permits required under this

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Section shall be subject to review by the zoning administrator. C) Height & Size. The top of all flags (including the flagpole), regardless of the manner of mounting, shall be no higher than the height restriction for buildings/structures in the zoning district in which they are located. The size of the flag shall be no larger than recommended by the manufacturer of the pole or sixty (60) square feet, whichever is smaller. In the PUD and PUD-RO districts, the maximum height of a flagpole shall be thirty (30) feet or the height of the building in which the flagpole is located, but in no instance higher than sixty (60) feet. Flags may be increased in size in the PUD and PUD-RO district according to the flag pole manufacturer's specifications or ANSI/NAAMI Guide Specifications for Design of Metal Flagpoles, FP 1001-97 as amended. D) Setbacks. Flags and flagpoles must be set back sufficient distance from property lines so as not to create a safety hazard on adjacent property. These flagpoles and their related flag(s) shall be set back sufficient distance to enable the flag to fly fully open without flying over the property of others. E) Number. No more than three flagpoles shall be allowed per parcel or lot. F) Light Display. The lighting of the flagpole at night is allowed. To contain the impacts of unsafe Lighting and light pollution, down-lighting and shielding/baffling of fixtures shall be incorporated into the design of the flag and flagpole. Ground-mounted lighting fixtures are prohibited.

Doernenburg stated that there was a flagpole in Bear Creek Township that was 60 ft. and went before the ZBA and it was denied and brought into compliance. ZBA asked for some standards with poles and flags which brought about this amendment.

Olliffe stated that in Section C there is a sentence that needs clarification. It now sounds as though the flagpole is in the building. Doernenburg will correct.

Hoffman brought up about using used poles and the safety with that and should some language be put in there.

**Public Comment:** None

Mays also asked in regards to Hoffman's request about language on used poles and should it be Somewhere.

Doernenburg stated that they will get the City's standards and compare ours to there's and incorporate what is needed. Ours would be different from the City's due to legal issues, lot sizes, setbacks, etc.

**Motion** by Mays and 2<sup>nd</sup> by Olliffe that we approve the Text Amendment and correct the Sentence in 'C'.

**Roll Call Vote:** Yes: Olliffe, Cyphert, Brown, Mays

**Motion carried**

**VIII. Housing Ready Checklist.** Everyone should have a copy of this and need to go through it and answer the questions and turn into Doernenburg or Township office by June 4 so that they can consolidate the information. Do not have to put your name on it but would like to see the Township on it.

Keiser asked if the Township Board should participate and 'yes' anyone that wants to. He also Asked about one of the questions that was about the reduced size of structures to 450 sq. ft. and he stated that the Township just reduced their size of structures from 720 to 560 sq. ft. The structures he sees being built are larger not smaller.

Doernenburg stated that she has seen a lot of small ones in the rural areas but figure they are being used for rentals.

Discussed what is allowed on one acre and two acre lots

County is planning on doing a strategic planning session on this topic and is tentatively set for August 26. Housing is a very complex issue.

Cyphert stated that housing usually follows the utilities that are available. Need to get info from

the utilities to see what their plans are for expansion.

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Keiser stated that the Township is supposed to get stimulus money for water and sewer upgrades. Need to look at what we want to do. Water is the biggest issue.

Keiser stated that this could be the last zoom meeting with the restrictions that are being lifted.

Brown will make the decision by June 9 based on what the agenda is.

Dorenenburg reported that there were two cases that were approved administratively with the new system and it worked very well. One was a case we had seen three times before in the Fochtman Industrial Park for storage units and they are adding additional units. It was Approved with conditions. The other was at 2088 US 31N where the Recreational Vehicles Place is going and they removed the outdoor storage they had behind the building and put up a storage building on the back of the property and things will be stored inside.

Doernenburg thanked those who helped with these approvals and saved the applicants time.

**IX. Next meeting:** June 30, 2021 at 6:30 p.m.

**X. Adjournment:** 8:03 p.m.

Respectfully Submitted:

Judy Mays  
Planning Commission

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Jim Kargol, Recording Secretary