

**ELK RAPIDS TOWNSHIP**  
**US31 CORRIDOR AD-HOC COMMITTEE**  
**REPORT**  
**FEBRUARY 2008**

COMMITTEE MEMBERS

Clara Arvizu  
Brian Altonen (Township Planning Commission)  
Mary Cooper  
Vincent Cooper  
Donald Glowicki, Jr. (Township Board)  
Nina Palazzolo  
Richard Sanderson (Chairman)  
Christopher White  
Marshall Wright (County Planning Commission)

# Elk Rapids Township US 31 Corridor Ad-hoc Committee Report

An Ad-hoc Committee of concerned citizens was formed by the Elk Rapids Township Planning Commission to study the existing land use patterns on the US-31 Corridor south of the Village of Elk Rapids; to discuss future desired minimum building setbacks; to analyze other zoning standards that would effectively achieve the desired aesthetics for the corridor; and recommend changes to the zoning regulations. The Committee has met and after much study and discussion presents the following recommendations to the Planning Commission.

The Committee requests that the Planning Commission discuss and consider the Committee's recommendations; develop zoning ordinance amendments addressing the objectives for the US-31 Corridor expressed in the Township Master Plan and by the Committee; and recommend that the Township Board adopt the amendment(s).

**General Goals.** Following is a summary of the Committee's objectives for the US-31 corridor:

- Minimize any impact on existing buildings and property owners.
- Support farming as a desirable and viable land use.
- Require landscaping between commercial parking areas and the roadway.
- Maximize front yard setback requirement to preserve the existing rural feel.
- Ensure reasonable uniformity of setbacks.

**Recommendations to Planning Commission.** Current setbacks and development patterns represent the character of the community and should be continued. Any new standards should not increase the extent or degree of nonconformity for existing structures.

The Committee recommends that the Planning Commission adopt the following amendments to the zoning ordinance:

1. The Zoning Ordinance for minimum front yard setbacks should be amended for:
  - a. the west side of US 31, 110 feet measured from the survey centerline or 50 feet from the right of way whichever is greater for all new commercial uses.
  - b. the east side of US 31 no additional zoning restrictions should be placed on agricultural and residential land and agriculture should remain the predominant land use. For any changes in zoning the setback should be 125 feet measured from the survey centerline or 50 feet from the right of way whichever is greater.
2. Landscaping should be required between commercial parking areas and the roadway consistent with MDOT requirements. The Planning Commission should determine the details for this requirement.
3. "Centerline of US-31" should be a defined term in the Zoning Ordinance. The definition should clarify that the centerline is the MDOT survey centerline.

**Background Discussion.** There is a strong feeling held by many members of the community that the current rural look of the township is highly desirable and should be maintained as the township grows into the future. However, the current property owners have the right to continue their current use of their land without undo regulatory interference. It was this Committee's charge to reconcile these competing interests and recommend a plan which best meets the objectives of each point of view. The Committee feels that the above recommendations represent that best compromise.

Currently, all front yard setbacks in the township are 50 ft from the owners front property line i.e. Right of Way (ROW), but vary from the centerline depending on the depth of the ROW. ROW on US 31 south of the village vary from 33 feet to 110 feet depending on how much property MDOT purchased from the prior owners.

The Committee has made several findings pertaining to the west side of US-31.

There are only four undeveloped parcels along the west side of US-31. One is unbuildable and one is a side lot next to an existing commercial use. The two vacant lots in Sunset Shores are subject to a 110 foot setback under current zoning standards and are limited to single family homes by deed restriction. (See the Appendix for detailed analysis of the current uses of land in the studied area).

All current commercial structures south of the Hacienda restaurant would conform to a setback requirement of 110 feet from the centerline and most are at least 150 feet from the centerline. Requiring 110 feet represents a change for the properties which currently have a 33 foot right-of-way. The only building between 110 and 125 feet is Scott Nelles', which is currently conforming at 117 feet from the centerline. A 125 foot setback requirement would cause this building to become nonconforming.

The Hacienda and commercial buildings on the west side north of it have legally nonconforming front yard setbacks, with the shallowest being only 66 feet from the centerline while 110 feet is required. The Hacienda and the Camelot are set back 66 feet from the centerline; Palazzolo's Apartments, 71 feet; Twisted Fish, 85 feet; Guntzviller's Taxidermy and the Boat Storage, 100 feet; and Watt's Nursing Home, 106 feet. The recommendations would not change their current degree of nonconformity with the exception of the Hacienda which has already been granted a variance.

Under the recommended changes, the setback requirement for new commercial development on the Chris White and Myers properties would be increased from 83 feet to 110 feet.

**Additional Consideration.** The Committee discussed many other ideas, but did not reach a consensus to recommend them.

- Minimum front yard setbacks on the west side could be 125 (or 115) feet south of some dividing point and 110 feet north of the chosen line. The dividing lines considered were the south property lines of Sunset Shores Road, the Camelot Motel, the Guntzviller Farm, the Hacienda, or the French Bulldog.
- Square footage of retail and commercial establishments can be limited, which could help reduce the big box threat.
- The area or number of parking spaces in front yard parking areas could be limited.
- The Zoning Ordinance could clarify the difference between a farm stand and farm market. Requirements for a farm market should be incorporated into the ordinance if deemed necessary.
- Determination of value for a nonconforming structure is currently based on assessed valuation. Consideration may be given to utilizing a figure of two times the assessed value, or fair market value.
- An owner of a nonconforming structure partially destroyed could be permitted to tear down the structure and rebuild on the previous building footprint (including vertically), if the structure could not be economically repaired and if the owner did not intentionally cause the destruction. A revised ordinance should clarify whether an owner is permitted to increase the extent or degree of nonconformity under some circumstances.
- The “Criteria for Site Plan Review” section of the Zoning Ordinance could be amended to include consideration of the Township Master Plan as a criterion.

## **APPENDIX**

2007 US 31 CORRIDOR STUDY ELK RAPIDS TOWNSHIP - TOWNLINE ROAD TO VILLAGE LIMITS

ADDRESS	TAXPAYER	USE	ROW	USE	CURRENT SETBACK	APPRX	SETBACK INCREASE			
						BLDG SETBACK	@110	@125	@150	
FARM	AMOS DORANCE	AG	33	FARM	83	NONE	27	42	67	
FARM	ALTONEN JOHN	AG	75	FARM	125	NONE	-15	0	25	
FARM	ALTONEN JOHN	AG	33	FARM	83	NONE	27	42	67	
11373	COOPER MARY	AG	33	FARM BUILT	83	136	27	42	67	
11333	WHITE VERSIL	R	33	RENTAL	83	127	27	42	67	
10877	WHITE JACK	AG	75	FARM BUILT	125	85	X	-15	0	25
10727	HUBBELL GARY	AG	75	FARM BUILT	125	125	-15	0	25	
10593	WHITE WILLIAM	AG	75	FARM BUILT	125	165	-15	0	25	
10565	CONVERSE GORDON	C	75	BUILT	125	155	-15	0	25	
10561	GRACE LUTHERAN CHURCH	NP	75	BUILT	125	182	-15	0	25	
VACANT	FEDRIGON DONALD	C	110	OPEN	160	NONE	-50	-35	-10	
10405	PADLOCK LLC	C	110	BUILT	160	162	-50	-35	-10	
10355	EXCEL AUTOMOTIVE	C	110	BUILT	160	182	-50	-35	-10	
10198	ARVIZU DAVID	R	110	OPEN	160	182	-50	-35	-10	

ELK WEST SIDESOUTH TO NORTH

11882	ALTONEN JOHN	R	75	RENTAL	125	145	-15	0	25	
11744	NOWAK JOE	C	75	BUILT	125	156	-15	0	25	
11690	PERRY CHARLES	R	33	DRIVEWAY	83	NONE	27	42	67	
11672	NELLES SCOTT	C	33	BUILT	83	117	27	42	67	
VACANT	HAMMER EDWARD	R	33	OPEN	83	NONE	27	42	67	
11600	HAMMER EDWARD	C	33	BUILT	83	155	27	42	67	
11590	TWINBAY LLC	C	33	BUILT	83	200	27	42	67	
11550	TRAVERSE BREWING	C	75	BUILT	125	154	-15	0	25	
11456	WESTVELD DON	C	75	BUILT	125	165	-15	0	25	
11428	SHOAL DONALD	C	75	BUILT	125	221	-15	0	25	
11382	WALSH ANGELA	C	33	BUILT	83	144	27	42	67	
11342	MEYERS WALTER	R	33	BUILT	83	240	27	42	67	
11324	VASQUEZS' HACIENDA	C	33	BUILT	83	66	X	27	42	67
11314	SANDERSON RICHARD	R	33	DRIVEWAY	83	NONE	27	42	67	
11268	FORSTER CHARLES	R	33	DRIVEWAY	83	NONE	27	42	67	
11238	WHITE CHRISTOPHER	R	33	BUILT	83	300	27	42	67	
11133	PALMER THOMAS	R	33	DRIVEWAY	83	NONE	27	42	67	
11122	GUNZVILLER MELVIN	AG	60	FARM BUILT	110	140	0	15	40	
11060	GUNZVILLER VOSS	R	60	BUILT	110	100	X	0	15	40
10962	CAMELOT HOSPITALITY	C	60	BUILT	110	66	0	15	40	
10936	WHEELER JACK	R	60	BUILT	110	112	0	15	40	
10922	GUIDARINI ARGEA	R	60	BUILT	110	420	0	15	40	
10906	HERRMANN ELINOR	R	60	BUILT	110	100	X	0	15	40
10888	LEBLANC CYNTHIA	R	60	BUILT	110	106	X	0	15	40
10876	WHITE JACK	R	60	BUILT	110	147	0	15	40	
10858	LEGINSKI PAUL	R	60	BUILT	110	106	X	0	15	40
VACANT	WHITE JACK	R	60	VACANT	110	NONE	0	15	40	
10842	WHITE GEORGE	R	60	BUILT	110	115	0	15	40	
VACANT	MERCER ROGER	R	60	VACANT	110	NONE	0	15	40	
10774	WATT ARTHUR	C	60	BUILT	110	106	X	0	15	40
VACANT	HUBBELL GARY	AG	60	NO SITE	110	NONE	0	15	40	
10456	PALAZZOLO JACK	R	33	BUILT	83	71	X	27	42	67
S BAYSHORE	TWISTED FISH	R	60	BUILT	110	85	X	0	15	40
S BAYSHORE	MARKER DONALD	R	60	BUILT	110	NONE	0	15	40	
	BOAT STORAGE	R	60	BUILT	110	100	X	0	15	40
S BAYSHORE	LEE LESLIE	R	90	OPEN	140	NONE	-30	-15	10	

## ANALYSIS OF EXISTING USES

### East Side

The east side of 31 is all currently being used for Agriculture except for some businesses at the north end.

The current required setbacks range from 83 ft to 160 ft. All of the 83 ft segments are currently being actively farmed. The frontages for the 33 ft Right of Way (ROW) sections are the Cooper Farm (1400 ft), Versil White (11333) (200 ft - residential rental), Altonen Farm (200 ft of 33 ft row) and Amos Farm (750 ft).

With one exception (Jack White's - 10877) all current buildings are at least 125 ft back.

There is only one vacant piece. It is at the north end with Don Fredrigo (Vacant) listed as the taxpayer. The current zoning requires a building to be at least 160 ft back from the road centerline.

The East Side currently has a "rural look".

### West Side.

There is a variety of uses on the west side. It is currently almost built up with little vacant property

#### Sunset Shores Subdivision (10842 - 10936)

There are currently 2 vacant lots in Sunset Shores Subdivision along US 31 (9 total lots) and these require a 110 ft setback under the current ordinance. They are required to be single family homes by deed restriction.

#### Conforming Commercial (11382 - 11744)

All of the commercial structures south of the Hacienda conform to the current setback ordinance. The only building within 125 ft is the Scott Nelles property at 117 ft. All the remaining structures are about 150 ft back or more. The right of way in this area varies along the length at either 33 ft or 75 ft. Most of these properties currently have a least some of their parking in front of the building.

#### Nonconforming Commercial Structures (Boat Storage - 11324)

All of the commercial structures along the west side of US 31 north of and including the Hacienda (11324) have nonconforming front setbacks, but existed before the zoning ordinance and therefor can legally continue. These are the Hacienda (11324) (66 ft), Guntzviller's Taxidermy (11060) (100 ft), the Camelot (10962) (66 ft), Watt's Nursing Home (10774) (106 ft excluding the garage), Palazzola's Apartments (10456) (71 ft), the Twisted Fish (85 ft) and the Boat Storage (100 ft). All except the Hacienda are in 110 ft. setback zones. The Hacienda, Guntzviller's Taxidermy, Nursing Home and Boat Storage have some parking in front of the building along 31.

#### Agricultural.

The only large undeveloped property along the west side of US 31 is the Guntzviller Farm (11122). It contains 28 acres and is currently being used for agriculture, but is in a residential zone (R-2) with a required setback of 110 ft. Any zoning district change would require site plan review.

#### Other Properties.

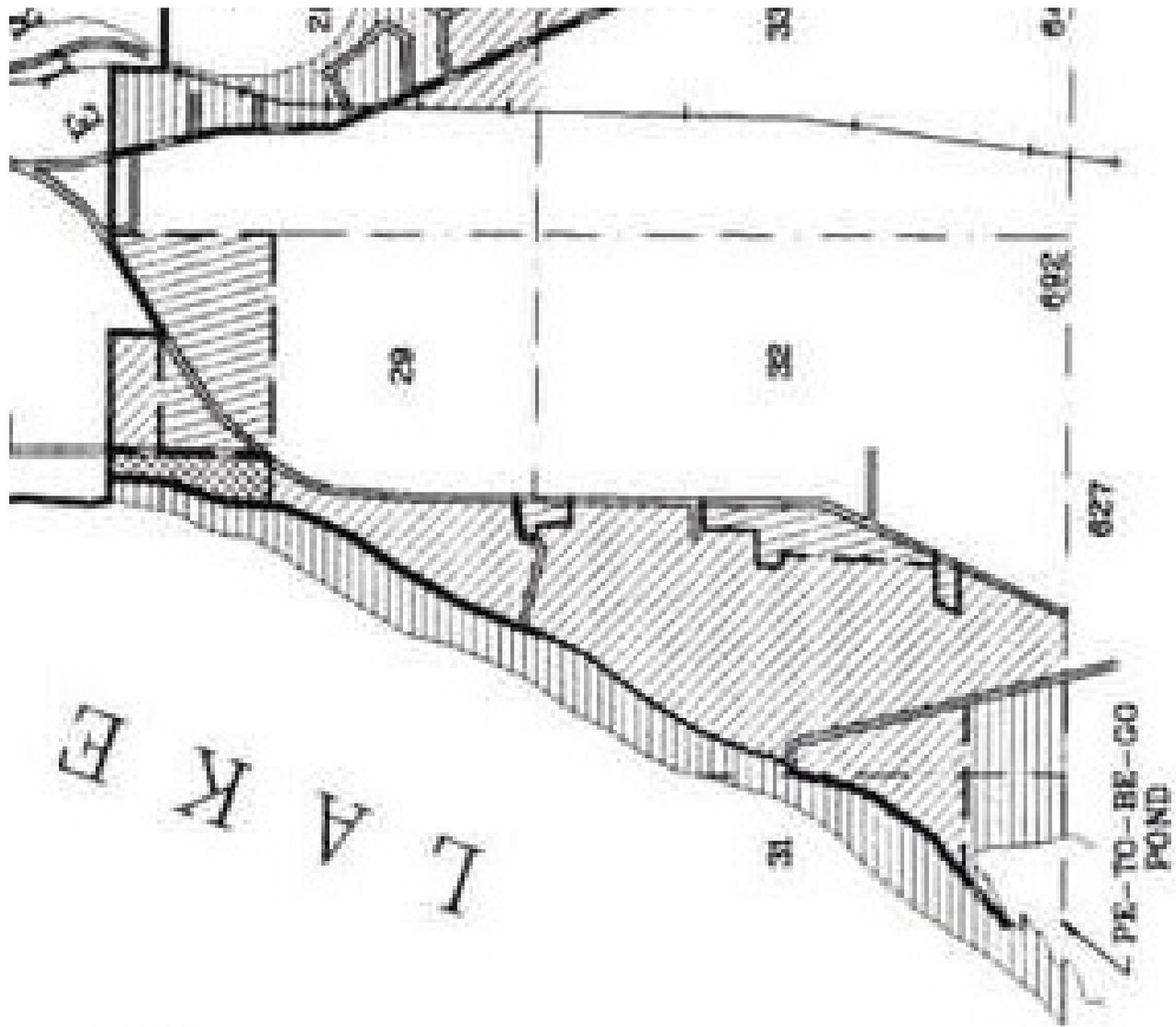
There are four other parcels with development potential. The Meyers (11342) and Christopher White (11238) properties are currently being used for residential. Both however are partially zoned commercial and are in a 33 ft ROW area with a current setback requirement of 83 ft.

The Edward Hammer (11600) vacant lot is apparently zoned commercial, but is in a gray area on the zoning map. The current required setback is 83 ft. but the adjoining Hammer facility is setback more than 150 ft which is the pattern that have been set along this area of US 31.

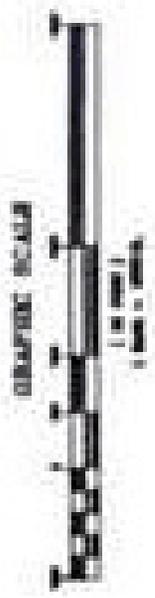
At the south end, the large piece called Altonen Open could be developed. It has already been studied as a PUD.

Most of the businesses (12 of 16) have parking in front of their building.

It is and will be the look of the west side of US 31 as it approaches Elk Rapids for a considerable time into the future.



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### LEGEND

R-1	RESIDENTIAL	
R-2	RESIDENTIAL	
R-3	APARTMENT	
A	AGRICULTURAL	
C	COMMERCIAL	
M	MANUFACTURING	
E	ENVIRONMENTAL	
P.D.	PLANNED DEVELOPMENT	