

Elk Rapids Township Planning Commission  
**Meeting Minutes – Tuesday June 17, 2014**

The meeting of the Elk Rapids Township Planning Commission was called to order by the Chairman Shen Smith at 6:30 pm at the Government Center, 315 Bridge Street, Elk Rapids, MI 49629.

**Present:** Shen Smith, Pug Sliger, Jim Lundy, Dorance Amos, Jean Derenzy

**Absent:** Renee Mischel, William Larson

**Present Township Staff:** Len Harrett, Zoning Administrator, Larry Nix , Williams & Works – Planning Consultant  
William Derman – Attorney, Pete VanDen Berge – Elk Rapids Fire Chief

**Public Attendance:** Dale Hull, Pat Brady, Joe Fisher and 21 other people.

**Adoption of Agenda:**

**M/S – Lundy/Derenzy:** Agenda for the June 17, 2014 meeting adopted by the board unanimously.

**Approval of Minutes:**

**M/S – Lundy/Sliger** Minutes for the April 15, 2014 meeting were unanimously approved by the board.

**Public Hearing:** The Special Use Permit is being requested by Pine Hollow Institute located at 10400 South Bayshore Drive (Tax I.D. numbers 05-06-450-006-00, 05-06-029-015-00, and 05-06-029-011-00) Elk Rapids Township, Michigan. The Special Use being considered is for a Group Retreat Center as defined in Elk Rapids Township Ordinance Section 7.06; and review will be per Township Ordinance Sections 17.06 and 19.07.

M/S – Lundy/Sliger Open the public hearing. Unanimously approved.

Dale Hull of Pine Hollow Institute began with PHI's "Mission Statement".

Pine Hollow Institute strives to heal people and planet Earth through intelligence, creativity, compassion, and Imagination for the benefit of all, now and into the future.

Mr. Hull spoke to the board and the audience, sharing possible situations that could take place on the property, ie, seminars, classes, retreats. This could draw anywhere from 5 to 100 people. Hull sited several meetings have already taken place on the site, and several that are already planned for the future. He informed the group that PHI is a "private" institute, and not a "public" one.

Board members questions and concerns:

Chairman Smith: If children are in attendance, where do they come from? (Under the impression that they could possibly be distressed from abusive situations)

Mr. Hull indicates that this was not necessarily the goal. However, whenever there are children under the age of 18 on the premises, they would be chaparoned at all times, by adults that come with them.

PHI's plan is to target adult retreats with the major focus on helping organizations plan for the future.

He gave an instance when a group of terminal patients came for the afternoon to use the pool at no charge to them, and the City Opera House was able to hold a meeting there, at no charge. This would not always be the case, these were just examples.

Several of the Board Members feel that PHI's business plan is too vague. More definite details are needed.

Derenzy questions how PHI plans to handle parking, traffic and protecting the surrounding home owners?

Hull indicates that if it were to be an overload they would ask the local police for help. They could also possibly rent a local parking lot and shuttle people onto the grounds.

Lundy questions noise control.

Public correspondence is provided: Pixley/opposed, Schluentz/opposed, Muller/opposed, Hultz/opposed

Shen Smith requested comment from Fire Chief Peter VanDenBerge. Chief VanDenBerge went through a lengthy list of issues with the PHI proposal including inadequate access for emergency vehicles and problems generally associated with changing the use of an existing building to another purpose. Once the Special Use Permit is issued, the house will no longer be considered a family residence and the rules for public access buildings apply. Those rules require substantial renovations to the Pine Hollow Institute building. He mentioned exits to the outdoors from bedrooms, fire safe doors, panic bars on exit doors, sprinkler systems, and pull alarms as safety features that are normally not present in a family residence but are required in buildings used by the public. He talked about parking, specifically on PHI's narrow driveway, and that he had previously asked PHI to post signs "No Parking in Fire Lane".

Mr. Hull insisted the building would continue to be a single family residence used on occasion as group retreat center. The Fire Chief said it's not true that the house will be a single family dwelling after approval of the special use permit. Shen confirmed that "the Special Use, if approved, would be an overlay zone on the R-1 and that therefore the building must meet code for publically used buildings", and pointed out to Mr. Hull that the main building on PHI would no longer be considered as a single family house for Planning Commission considerations.

Mr. Hull also indicated that there are 35 parking spots available on the property and then people can also park along S. Bayshore Rd. He also referred to the "Dry Hydrants" that are on the ground that would be brought up to code and properly maintained.

Floor is opened for public comment:

David Leghorn – 1000 ft south of Pine Hollow. Allowing this would "destroy" the quiet neighborhood and it would be unacceptable. "Please turn it down".

Joanie Braun – An artist. Recalling when she and other artists have gone on the grounds to paint. Also, how Mill Creek students were able to walk the grounds seeing native species in person that were in a book they were studying. Without places like this available to them they might not be able to experience this.

Joe Fisher – Speaking on behalf of Jessica Hatch – 1500 ft from Pine Hollow. Citing zoning issues on the property and the buildings there in.

Susan Pixley – South Bayshore – concerned it would decrease their property value and change the character of the area. Feels Hull is being "disingenuous" citing inconsistencies in the plan.

Bob Strait – Immediately north of the property – Can't imagine the noise ever being excessive. To date, he has never heard anything. He wonders how the Township would ever be able to keep anyone who might be too noisy from buying the property. He feels if the property and owners are able to use it to help people, why would anyone not want that?

Tom Dame – 10956 Lakeshore Rd. – He was surprised to hear that there had already been meetings taking place on the property. It's not a legal business until the proper paperwork is final and Hull should be served a citation.

Richard Pixley – South Bayshore – They lived through the prior construction of the property, which then became an "attraction". The traffic promotes stress to the neighbors and the noise will change the character of the neighborhood. Please keep this an R-1 Single Family Residence and do not approve this request.

Judy Fishbeck – 10512 Lakeshore – Please keep this a single family residence.

Betty Frederixon – 2 doors from property – they have a “little log cabin”. Please keep this a single family residence.

Richard Fishbeck – 10512 Lakeshore – This will change the character of the area. Feels Hull is “elusive”. Strong opposes.

Margaret Hultz – 3 houses south – She know that zoning is strictly adhered to. This rezoning would affect their way of living. Please deny this request.

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**M/S – Lundy/Amos**                      Approved unanimously to close the public hearing.

Planning Coordinators recommendation:

What was initially written to the Board for approval is now different. Does this meet the ordinance? Why is this already in operation? Is this a violation? The majority of the Barn facility is for group activities that is zoned R-3. If Hull wants to go forward, the zoning needs to be changed to R-1.

PHI needs to \* apply to re-zone the property, \* define exactly what purpose the property will support, \*public safety, fire hazards, site plan, signs, \* outdoor speaker systems – very detailed plan needs to be addressed in writing.

Table the request for now so applicant can re-configure his proposal. Its category, from a Building code stand point could change immensely.

Amos feels applying for re-zoning should be first and foremost.

Bill Derman (Legal opinion): Table until the property owner can re-submit a more detailed plan. He prompts the public to “talk” with Hull, so they would know the plan up front and would not be surprised at what is proposed. Maybe they can come to a compromise.

Len Harrett: If no cash has changed hands, he doesn’t feel there has been a violation at this point. So far the property has just been offered up as a “marketing statement”.

Harrett supports re-zoning. This would be the best for all and the most practical starting point.

Chairman Smith asks Larry Nix (Planning Consultant) what his recommendation is, Table or Deny?

Nix feels tabling to give the applicant time to rectify the issues (mostly re-zoning). He asks applicant if he plans on resubmitting his request. Hull indicates that he hopes the Board tables the request so he can do so.

M/S – Smith/Derenzy                      Table the motion until the applicant can present a better, more detailed business plan including descriptions of activities, address the comments and concerns made at the meeting, detailed plan for fire and rescue issues and an application for rezoning approval.

Roll Call:                                      Amos – no, Smith –yes, Lundy-yes, Derenzy-yes, Sliger-yes

    Tabled indefinitely until requested material is received.

Zoning Administrator Report:          Nothing new to report on the Hayden – Lakeview plan.

Chairman Smith questioned anything to report on the Home Occupation ordinance. Larry Nix stated that it has not been submitted to the Township Board as of yet, so it can then be passed back to the Planning Commission.

Public Forum: Susan Pixley, owner of property abutting the south boundary of PHI expresses concern that they would not be able to be present when the PHI issue comes back to the board. Chairman Smith assures her that their comments and concerns tonight are now a matter of public record and will be taken into consideration when it is presented to the board again.

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New Business: None

Member Comments: None

Adjourn:

M/S – Lundy / Amos 8:30 pm