

MEMORANDUM

To: Elk Rapids Township Planning Commission
Date: October 7, 2016
From: Larry Nix, PCP
RE: Site Plan Review: Revision to Nowak Cabinets Site Plan, 11744 US 31 South: Joe Nowak Applicant

Mr. Joe Nowak of Nowak Cabinets has submitted an application for Site Plan approval for his business located at 11744 US 31 South. The site plan application indicates a desire to add a storage building, 36'x44', adjacent to the existing showroom and warehouse building on the property. Following is our review and recommendation for this application.

Existing Situation

The use of the property was originally approved in 1988 by the Planning Commission as a Special Use in the R2 Residential Zone. On October 19, 2010, the Planning Commission approved a 50'x60' expansion to the existing business based on the 1988 approval of the use and conditions of the 1988 Special Use. The current zoning ordinance does not recognize a commercial operation in the R2 Residential Zone, thus the use of the property today is classified as a legal non-conforming use.

There are several options for the applicant and/or the Planning Commission to explore at this point in time.

Option 1: Apply for a Class A non-conforming use, Section 4.04 F.

Option 2: Rezone Property to Commercial Zone.

Option 3: Do Nothing, continue to operate as is, but expansion is not permitted.

Of the three options outlined above, Option 2: Rezone property to the Commercial Zone, is the best long range option. This permits the use to continue as it has for the past 28 years and continue into the future. A public hearing could be conducted at the November Planning Commission meeting, concluding with a recommendation to the Township Board, a 30 day wait for the required County Planning Commission input, and then to the Township Board for a final decision in January 2017. This may not be ideal for the applicant, but it solves a zoning problem that has existed for several years.

Site Plan Comments

In terms of the site plan, the proposed 1,584 square foot storage building will contain three overhead doors and a service door for moving vehicles and pedestrians in and out of the building. The stated purpose of the building is storage with no other improvements proposed to the site. The site plan approved in 2010 indicates a dumpster is located in this improvement area and we find no proposed relocation for the dumpster. There is a note in the narrative that a small dumpster will be located inside the building. The Fire Department letter of September 26, 2016 indicates the trash receptacles need to be located at least 15 feet from any building. Outside lighting is also not indicated on the site plan. These are the only two items that need to be clarified either on this site plan or at the meeting on October 18, 2016.

Recommendation

The use of this property by Nowak Cabinets has not generated any concerns or problems to adjacent neighbors or the Township since it was established, to the best of my knowledge. Since the use is not consistent with the current zoning ordinance, it will be best to resolve the situation for all parties involved as soon as possible. We would recommend that the Planning Commission initiate the rezoning of this parcel with consideration of adjacent property, at least for the public hearing, for a public hearing at the November Planning Commission meeting. If deemed appropriate, site plan approval could be granted on October 18, 2016 contingent upon the final approval of the rezoning by the Township Board and resolution of the dumpster and lighting questions noted in this memo. In our opinion, this is the best long range solution for this situation.