ELK RAPIDS TOWNSHIP
PLANNING COMMISSION

Meeting Minutes – Thursday August 7, 2008

Chairwoman Mischel called the meeting to order at 6:30 PM at the Government Center, 315 Bridge Street.

Present: Jean Derenzy, Don Glowicki, William Larson, Jim Lundy, Emile Sabty, Shen Smith and Renee Mischel.

Also Present: Leonard Harrett, Zoning Administrator, Larry Nix, Planning Consultant and audience of 5.

Adoption of Agenda: Agenda for 8-7-2008 meeting was adopted by consensus.

Approval of Minutes:

M/S – Smith/Lundy. Minutes for 6-5-2008 meeting were approved unanimously with correction of 6:40 PM.

Public Forum: None.

Public Hearing

Zoning Ordinance Chapter 19 "ADMINISTRATION AND ENFORCEMENT", Section 19.07 – SPECIAL EXCEPTION

The Chair opened the Public Hearing, and with no public input, the Public Hearing was closed. Discussion followed that the Special Exception text is written in essay format, while an outline or checklist format would be easier to use. Chapter 17 format was sited as an example. Discussed also was that the existing 19.06 text in the Ordinance, only show a procedure for applying and processing a request; it does not include standards or guides to follow when processing a Special Exception request. Also, the updated 19.06 write up does give latitude to stay within the Zoning Ordinance for what it is intended to do. The consensus was that a check list format would be helpful and easier to follow, but should maintain the current content. The Planning Consultant advised that a check list format without content change can be prepared for the next meeting, and would not require a new Public Hearing.

The discussion shifted to whether a list of potential Special Exception uses should be included in sub section 19.07-H. It was explained that under the current structure of the Township Ordinance it would be better not to include such a list. To create a list and set standards for each item would lead to a complete overhaul of the Zoning Ordinance.

Mrs. Smith suggested adding a new entry to 19.07-H to say that after an application takes place and is approved, then section 19.07 requirements come into play, which makes for connectivity. The suggestion met acceptance and will be implemented in the revised write up.

With no further discussion, the Chair tabled the Public Hearing document until the September meeting at which time it will continue and the new write up with the discussed changes is reviewed.

US-31 CORRIDOR

The Planning Consultant gave a brief review of the July 24, 2008 draft based on previous discussions and the Advisory Committee summary statement. Reviewed was the nonconformity section in which a structure, damaged beyond 60% of the assessed value is allowed to be rebuilt on the same foot print; thus giving relief from section 4.02-G-1 requirements. It was reasoned that the extended setback affects nonconforming structure owners along the US-31 Corridor, and it may be difficult to go through section 4.02-G-1, where they may be faced with having to abide by the extended setback standard requirement; this special situation relief gesture would be of help. The draft included a 150 foot setback that would apply to new construction in

commercial areas along US-31but none of the other areas. Another inclusion was allowing front parking. The changes were to appear in sections 11.04, 14.01 and 17.06 of the Ordinance. The draft also included an alternative approach that creates a new General Provision section 2.20 in which all the US-31 Corridor standards would appear.

Limiting the standard to a new commercial area, as referenced in the Advisory Committee statement, was discussed. The contention was that the standard should apply to all future development along US-31 Corridor excluding single family and agricultural. The Zoning Administrator pointed out that the use of the term commercial seems to bring out different interpretation. The Advisory Committee used the term generically to mean all zones outside of a single family and agricultural. As such, delete the word "commercial" and make the standard apply to "new development that require a site plan review" adjacent to US-31. The suggestion was favored. Two persons in the audience who served on the Advisory Committee, when asked by the Chair about the suggestion, agreed with the interpretation. Further, the fact came out repeatedly during the discussion and was agreed to that the new US-31 Corridor standard should only appear in section 2.20 as part of the General Provision Chapter.

The Chair asked the Planning Consultant to prepare a new draft on the US-31 Corridor standards as discussed and agreed to for the next meeting. Upon acceptance of the standards, the Planning Commission will ask the Advisory Committee to reconvene and review the new draft.

Mrs. Smith was appointed to fill a vacancy on the Advisory Committee created by the resignation of the Planning Commission representative.

Section 7.06 – GROUP RETREAT CENTER (SPECIAL EXCEPTION)

A brief review of the July 24, 2008 draft was made by the Planning Consultant. Discussion followed indicating that in Mr. Clark's Memo of May 2, 2008 the suggested standard on accessory sleeping quarters stated that "a request to consider detached sleeping quarters with a Group Retreat will require a new application for a special exception and site plan review as required in section 19.07 and 17.01 of the ordinance." In other words it should be a new request and stand on its own. At present there is no need to combine this with the Group Retreat standards being developed. An applicant can always request a special exception for such an item; there is nothing that denies such a move. Prior to Mr. Clark's Memo the original discussion was of a Group Retreat using a single family dwelling, which was then considered as preserving the integrity of the R-1 Zone. In June 2008, after the sleeping quarters memo was received, the Planning Commission agreed to look at the proposal. At present it is felt we should stand by our original decision that sleeping will be permitted only in the main dwelling. Let's keep it that way and move forward with the Group Retreat standard. Accessory sleeping quarters is a different issue that can be handled independently and on its own, and, "who knows, we may never have to make such a decision."

Mrs. Smith suggested dropping the Accessory Sleeping Quarters from our current discussion, that it can be a separate Special Exception subject. "They can come back and PD the whole thing within the lot."

The Chair summarized that we have several options to choose from:

1. Continue the group retreat center review.
2. Discontinue the group retreat center review.
3. Continue the group retreat center with the added accessory sleeping provision or denying it.
4. Drop the entire option of accessory sleeping quarters at this time and just move forward with the group retreat center.

M/S – Sabty/ Mischel. Move to drop the entire option of Accessory Sleeping Quarters at this time and just move forward with the Group Retreat Center. The standard developed should show the provision that sleeping quarters are to be only in the main dwelling and not in any other buildings on the property.

Roll Call Vote: Yes – Lundy, Sabty, Smith and Mischel.
No – Derenzy, Glowicki and Larson.

Motion passed 4-3-0

The Chair asked the Planning Consultant to prepare a new draft, for the next meeting, reflecting the group discussions.

Having no pressing further business Chairwoman Mischel adjourned the meeting at 9:20 PM.

E. S. Sabty, Secretary
8-7-2008

Minutes Approved 9-4-2008

Minutes are subject to approval at the next regular Planning Commission meeting.