ELK RAPIDS TOWNSHIP
PLANNING COMMISSION

Meeting Minutes – Thursday April 3, 2008

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

Present: Brian Altonen, William Larson, Emile Sabty, Shen Smith and Renee' Mischel

Absent: Don Glowicki and Jim Lundy.

Also Present: Leonard Harrett, Zoning Administrator, Larry Nix, Planning Consultant and audience of 8.

Adoption of Agenda: Agenda for the April 3, 2008 meeting was approved by consensus.

Approval of Minutes:
M/S – Smith/Larson. Minutes for 3-6-2008 meeting were approved by the Planning Commission unanimously.

Public Forum
Mr. Scott Nelles spoke in support of allowing the expansion of Twin Bay Medical operations structure.

Public Hearing
Twin Bay Medical, Inc. Site Plan Review
Mr. Nix, Planning Consultant, reviewed the site plan write up, emphasizing that the proposed expansion plan as presented meets the required Site Plan Review standards in the Zoning Ordinance Chapter 17. Approval of the site plan was recommended with specific four suggested items that should be considered by the Planning Commission as conditions for approval.

A general discussion followed during which; site plan text corrections were identified, namely that the Tax ID #s should all read 05-06-032-009-20, the referred to Master Plan date should read 4/07 and the new added area is 6538 sq ft.

Mr. Harrett, Zoning Administrator proposed voiding all previous different auxiliary uses that were approved with their respective special uses for past owners and start new. He referenced Sec 11.05 of the Zoning Ordinance.

Attention was brought to the open area behind the structure labeled on the site plan "Potential Available Future Parking 40 Spaces". This space should be preserved and stay opened even though its use is not required at present. Mr. Harrett, Zoning Administrator advised that the property is zoned Commercial, and as such all the parking spaces labeled current and future add up to the Zoning Ordinance required number of spaces for this commercial entity; they should be preserved even though they are not all used at present.

Communications Received: A letter of approval from the Elk Rapids Fire Department and a letter from Mr. & Mrs. Jorgensen, 10975 Lake Shore Rd expressing their support for the addition. Both are on file.

M/S – Mischel/Larson. Move to approve the Site Plan as presented for Twin Bay Medical, Inc. with the following six conditions:

1. All site lighting shall be downward oriented as to not cause a traffic or neighbor problem.
2. Storm water provisions shall be reviewed and approved by the County Drain Commissioner prior to a building permit being issued by the Township.
3. The applicant shall either secure a permit or a letter of acceptance of the on-site septic system from the County Health Department.
4. Landscaping shall be installed prior to the Township issuing a certificate of occupancy.
5. Other uses and conditions previously approved by the Elk Rapids Township that are not associated with Twin Bay Medical, Inc. operations are hereby voided.
6. Site Plan undeveloped parking spaces noted as "Potential Available Future Parking 40 Spaces" should be preserved and their space stay opened.

Vote: Yes – Altonen, Larson, Sabty, Smith and Mischel.
Motion passed 5-0-0. Site Plan approved.

Old Business

Section 19.07 – Special Exceptions
Mr. Nix, Planning Consultant, went through a detailed review of the draft write up; this section would become a base for a general standard that can apply to all special exception uses. The new draft incorporated the discussion and suggestions made during the previous meeting on the subject. In general there was acceptance except for the last part which dealt with specific review standards.

Thoughts brought forward on the specific review standards included. The special use standards now in the Ordinance make for a useful tool. They should not be easy to get. As they advocate what is not a standard they should be a hurdle. The last part of the write up should be very specific and emphasize specific review criteria for specific exception; it should not be in general terms. Specific exception will have specific review standards; the last part in the write up is general and should be specific. If a use is brought forward for which we do not have a specific standard, the Planning Commission shall prepare specific standards and have the Township adopt them prior to processing the application. We should not limit the possibility of special exception uses for the public.

Mr. Nix, Planning Consultant suggested restructuring the last part and calling it an unclassified use, then if somebody presents something that is unclassified, the first step becomes determining if that is something we want to consider as a special land use, if so, the Planning Commission shall create specific standards and adopt those standards prior to processing an application.

Chairwoman Mischel asked what would happen to the permitted special uses we currently have. Mr. Nix responded that there are no standards now associated with those items. Standards can be written in time. Keep those items where they are in the Ordinance, don't change anything, but when somebody wants to use one of them, it forces our hand to write a standard for that item. The process of writing a standard is lengthy, but if done gradually and in advance, it will reduce the time period.

Chairwoman Mischel tabled the discussion and asked Mr. Nix to update the draft mainly the last part.

Mr. Russell Clark, Planning Advisor to Pine Hollow Group Retreat made the point that in the 19.07-A-5 section reference is made to environmental assessment, it implies many interpretations. This can be developed into a reference only standard that can be referred to when the subject comes up. The point was well taken.

Section 7.05 Group Retreat Center (Special Exception)
Mr. Nix, Planning Consultant, reviewed the prepared draft on this subject including the definition of a Group Retreat. In Sec 7.05-A it is stated that this Group Retreat is limited to being in R-1 zone and it does not pyramid into R-2 and R-3 Zones.

The question was raised by Mrs. Smith, why is it not made available in other residential districts or agricultural district. Mr. Nix responded that even though this specific request is made in the R-1 zone, the written standard will be located in the R-1 zone and thus apply to the R-1 district as a whole. Mr. Larson stated that it should be left as written, a special exception permit, that anything that comes after that still would have to be considered as a special exception, no matter where it is located, and at that point we will have the opportunity to say Yes we will write a standard or No we deny it. Each application should stands on its own merits when requested. Mr. Nix further responded to the agricultural concern by stating that, one of the reasons it is put in the R-1 zone and not an agricultural zone, as a special exception use, was that the Agricultural Zone as structured in the Zoning Ordinance is of great help to the agricultural farmer in the Township; it does relieve undue pressure on them from outside influence. The uses now permitted in the agricultural district are agricultural uses only. Thus the Ag Zone is protected from non Ag uses. The Ordinance is very well written to protect the farmer as an Ag operator.

Sec 7.05-A-4 the number of parking spaces needed was left open as it depends on the number of people utilizing the place which should come out in the application, and then the number pf parking needs are determined.

Sec 7.05-A-5 suggestion was made to use storage facility rather than maintenance facility.

Sec 7.05-A-6 Mr. Harrett, Zoning Administrator, advised that in R-1-2-3 zoning districts there is no multiple family structure. As written it implies that more can be added. Others expressed the same concern that allowing other structures to be added is contrary to the standards of an R-1 Zoning District. Mr. Nix stated that the apparent preference is that we strike out #6from the write up, and that is what he is hearing. There was consensus.

Sec 7.05-F the question raised was how to control the Lapse of Operation and terminate the special use. Mr. Nix advised that the special use runs with the land regardless of ownership unless the owner requests its termination. The 9 month lapse would remove the use. Since the Special Use runs with the land, when the Planning Commission reviews the request, the conditions that are placed on it should be appropriate and make sure that what is being approved will be done. A mining operation is the only special use that has a finite life.
A condition can be written that if there is a change of ownership, the seller need to notify the Township that there has been an ownership change, and the new owner could be required to come to the Township for review of all the conditions and operational procedures associated with the original approval, but can't expire the special use because the ownership changed. If the notification process does not take place as required, that can become a violation of the approved conditions, and could create a voidance of the special exception.

Mr. Larson stated that the write up should have limitations on Accessory Structures allowed such as numbers, sizes, etc… which gives control.

Mr. Russell Clark, representing Pine Hollow made two comments, (1) the proposed parking spaces would require a small number, since most guests would fly in and are shuttled in from the airport. (2) Smaller structures to be added will be used for guest houses. Eliminating Sec 7.05-A-6 takes away that option for the facility.

The proposed draft will be revised for the next meeting.

US-31 Corridor - No information was available. A write up should be ready for the next meeting.

New Business: None

Communications: None

Mr. Altonen advised that this will be his last meeting on the Planning Commission as he will be moving outside the Township boundaries. Chairwoman Mischel thanked Mr. Altonen for his service and contribution to the betterment of the Planning Commission.

The next scheduled meeting will be on May 1, 2008 at the Government Center, 315 Bridge Street.

Having no further business Chairwoman Mischel adjourned the meeting at 9:00 PM.

E.S.Sabty, Secretary
4-3-2008

Minutes Approved 5-1-2008

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