ELK RAPIDS TOWNSHIP
PLANNING Commission

Meeting Minutes – Thursday November 6, 2008

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

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

Absent: William Larson

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

Adoption of Agenda: Agenda for 11-6-2008 meeting was adopted by consensus after the Chair added two new items, "Downtown Development Training" notice and "Review of County pending PC Approvals".

Approval of Minutes: M/S – Derenzy/Lundy. Minutes for 10-2-2008 meeting were approved unanimously.

Public Forum: None.

Old Business

Section 2.20 – Standards For Property Adjacent To US-31

The Chair stated that the Planning Commission has asked the US-31 Advisory Committee to come together and take a look at the proposed text and render advice on the subject.

Mr. Nix, Planning Consultant reviewed the proposed text explaining the changes made to address the concerns relative Paragraph "A". It was expanded into three individual paragraphs each containing one item. Paragraph A emphasized New Buildings; paragraph B emphasized relief if there is a catastrophe or destruction over 60% of the assessed value, and paragraph C dealt with relief from nonconformity. Paragraph G was added to include the Centerline definition as part of Section 2.20 rather the part of the Definitions Chapter.

Suggestions were made to improve the existing text.

- In Paragraph A, use a comma (,) to separate agricultural buildings and structures from single family dwellings.
- Delete the words *for a new building* at the end of Paragraph A.
- Adjust the title of Sec 2.20 to emphasize US-31 South between the Village and Townline Road.

The subject was continued in a general discussion format. Discussion included:

- Explanation of Centerline of US-31 as determined by MDOT rather than the middle of the asphalt road.
- The effect of measuring point on the existing properties with different ROW widths and road location.
- Destruction and rebuilding of nonconforming buildings on small properties. Such situations are addressed by the ZBA where they consider unique situations and practical difficulty and try to help the applicant make reasonable use of their property.
- If part of a commercial building foundation, poured long ago but not built on at the time when the main structure was built, how would it be treated? As the Ordinance advocates, if it was not used during the first year, it must go thru a new approval process. As to front setbacks, if the foundation is beyond 150-ft it only requires a building permit. If a Site Plan was approved but is not going to be used by the end of the first year, the applicant can ask the Planning Commission for an extension for another year.
- Discussion of the use of assessed value vs. true market value. The use of assessed value does apply to all Township properties and is a consistent measure used on the tax rolls; on the other hand true market value is not a consistent identifiable measurement.

It was explained that the 60% assessed value was not an Advisory Committee suggestion. They suggested a 110-ft setback. The Planning Commission wanted to keep it at 150-ft. At the same time if the 150-ft is used there would be some nonconforming buildings there. In the Ordinance there is a provision in Chapter 4 that say if there is damage or destruction, they should come to the ZBA first to get permission to rebuild on the same footprint. The Planning Commission did not think that was fair for the intended purpose of the Advisory Committee. We inserted this language in Section 2.20 to exempt that very section of the Ordinance that specify coming to the ZBA, we lifted that language out, replaced it here and said that does not apply to you. That is why it is worded in this manner.

- The established front yard setback refers to where the existing building is located.
- Why not require everyone to put up landscaping in front of their commercial buildings when they build, even if they don't use a front parking lot? Landscaping is addressed in the Site Plan review section and covers the subject in detail.
- What prompted the selection of 150-ft front setback, what about 140, 125 etc? It was stated that within the last 15 years or so, when commercial buildings were put up in that area, the Planning Commission emphasized larger setbacks to stay away form the Highway as parking space was in front of the buildings; at the same time the Planning Commission was trying to keep a scenic corridor as part of that highway, where it was felt that 150-ft on both sides would establish such a corridor. The Master Plan advocated this idea since the early 90's and the Planning Commission worked with it as properties were developed. This concept started with the US-31 study in the early 90"s. The original suggestion by the study was a corridor of 500-ft on each side. The Planning Commission concluded that it would be an excess and worked with the 150-ft setback. This has been used for over 15 years and the new structures there conformed to this concept and "it is working." At the same time The Master Plan on US-31 Corridor did lay out the thought of the 150-ft setback for consideration given to MDOT expanding the US-31 to more than two lanes.
- An issue raised was that a setback of 150-ft rather than 125-ft would amount to "taking" without compensating. It was explained that this is not necessarily true because the new business developed would use the front side to locate their parking space.

The Chair stated that sometimes an advocate of a subject agrees to disagree. With that, review was tabled to be discussed further if needed at the next meeting.

Future Planning (Regular Box Retail)

At the last meeting the direction was to try developing guidelines that bridges the Master Plan and the Zoning Ordinance. The development of a Township Design For Growth Guidelines would be independent of the Master Plan and the Zoning Ordinance. It would be referred to as needed when properties are discussed. The thought was that, while not as strong as an Ordinance, guidelines are a powerful tool for regulating Growth. Developers that ignore the guidelines can face a range of adverse rejections. At the same time, the Township will have considerable flexibility to waive or modify the guidelines for individual situations. The Chair asked the members to prepare a list of items and issues to be reviewed and included in the guidelines. Items such as water control, US-31, Elk Rapids visionary sessions, County survey pertaining to Elk Rapids as well as other items and areas of concern. The just distributed "The Design For Growth Development Guidebook" has a wealth of information that can be applied to our area. Putting all those together gets us to think about where we are going, what we want to do and what we want to focus our attention on. The members were asked to bring their thoughts and concerns to the next meeting as we start developing the guidelines book.

Correspondence

The Chair announced that Don Glowicki will not be with us in the future as he will not be a member of the Township Board. The Planning Commission would like to present him with a letter of appreciation and thanks signed by all the Members acknowledging his 12 years of Service on the Planning Commission and wishing him the best of Luck in the future.

A notice for a Training Session by the Downtown Development Authority on November 12, 2008 was distributed to the members.

Members Comments

County Approval of Township Amendments: The County Planning Commission on September 30, 2008 approved the Special Exception Sec 19.07 Amendment. The Minutes would have been approved during their Meeting of November 28, 2008. At the November meeting, the Group Retreat Sec 7.06 Amendment was scheduled for approval. There was no quorum for the November meeting. The County phoned the Secretary and asked if we want to move on with the Amendments as the 30 day limitation period would have expired and the amendments could be moved on to the Township Board. They were advised to keep them on their agenda for the next meeting thus avoiding any undesired misunderstandings.

As there was no further business Chairwoman Mischel adjourned the meeting at 8:30 PM.

The next scheduled meeting will be on December 4, 2008 at 6:30 PM at the Government Center, 315 Bridge St.

E. S. Sabty, Secretary
11-06-2008

Minutes Approved 12-4-2008

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