ELK RAPIDS TOWNSHIP
PLANNING COMMISSION

Meeting Minutes – Thursday February 7, 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 & Jim Lundy.

Also Present: Leonard Harrett, Zoning Administrator, Larry Nix, Planning Consultant and audience of 9.

Adoption of Agenda: Agenda for the February 7, 2008 meeting was approved by consensus, with the change to combine the Pine Hollow Proposal and the Special Use Standards together in that order.

Approval of Minutes
M/S – Smith/Larson. Minutes for 1-3-2008 meeting, approved by the Planning Commission unanimously.

Public Forum None.

Old Business

Septage Waste Storage Amendment
Chairwoman Mischel explained that the amendment was returned from the TWP Board for review of the concerns with the current text that includes reference to Treatment Facility.

M/S – Mischel/Altonen. Move to delete from the amendment text "or Treatment Facilities". The revised amendment text would read:

Zoning Ordinance Amendment – 2008-02
Amend CHAPTER 6, "A"– AGRICULTURAL ZONE," Section 6.01– PERMITTED USES to add new Section 6.01- N to read as follows:

N. Septage Waste Storage – Only a closed septage waste storage tank regulated under Public Act 381 of 2004, as amended may be permitted upon approval of a special exception by the Planning Commission pursuant to Section 19.07 of this Ordinance.

Vote: Yes – Altonen, Larson, Sabty, Smith & Mischel.
Motion Passed 5-0-0.

Township Planning Commission By-Laws & Mission Statement
Mr. Nix reviewed the recommended text refinements, in particular Section 3.9-Agenda Items. The Mission Statement was also reviewed. As there was no further discussion Chairwoman Mischel asked for approval of the By-Laws and Mission Statement as presented.

M/S – Mischel/Smith. Move to accept and adopt the By-Laws and the Mission Statement as presented.

Vote: Yes – Altonen, Larson, Sabty, Smith & Mischel.
Motion Passed 5-0-0.

US-31 Advisory Committee Report
Mr. Richard Sanderson, Chairman of the Advisory Committee, recognized the Final Report on hand, and thanked the Advisory Committee members for their efforts and unselfish participation. Then he proceeded with a statement of his personal views on the project, which he kept to himself, during the meetings to maximize

members input (statement on file). In review was their study of each involved property, its zoning and setback. The Committee strived to find a proposal for increased setbacks along US-31 with minimum impact on current conformities; concluding that any change in the setback requirements would not significantly produce a meaningful change in the future appearance of the non-agricultural properties. The agricultural use is highly desirable and should be strengthened and preserved because the current owners are dedicated to that end. Thus, at this time, no setback change would be required; any change would be for the control of non-agricultural uses in the future. Preserving the rural look of the US-31 Corridor should require great effort by the Planning Commission to arrive at such goals prior to changing the setback requirements for something that might not happen for a long time. The Master Plan does suggest a number of other esthetic ideas to improve the future development of the Corridor that should be considered. Mr. Sanderson concluded by stating that, to proceed immediately with new setbacks may accomplish little in and of it self, and should be delayed and considered along with the other recommendations in the Master Plan."

Ms. Mary Cooper spoke of the farm owner's dedication to being farmers and that any setbacks should only consider future changes in use.

Chairwoman Mischel thanked Mr. Sanderson and the Advisory Committee members for their concerns and efforts in preparing the report. This issue will require further work into the future to accomplish its goal.

Pine Hollow Proposal

Mr. Russell Clark, Planner representing Ms. Leslie Lee, owner of the Pine Hollow property, through a letter and proposal to the Planning Commission had requested time to make a presentation to the Commission on a request for a Zoning Ordinance amendment to allow the use of the property as a Group Retreat facility. The letter (copy on file) described the Pine Hollow features, and the proposed amendment. Mr. Clark made a video presentation of the letter and amendment proposal, with added pictures and comparisons of similar uses at Northport Bay and Spider Lake facilities.

Chairwoman Mischel thanked Mr. Clark, and because the request ties in with the next agenda item proceeded with the review of Special Uses.

Special Use Standards, PD & PUD

In addition to the Memo of January 30, 2008 on the subject, Mr. Nix reviewed this subject. The New Rezoning Act and its coming revisions, and new statutes on this subject, show that the earlier land uses in the ordinance are treated different from today. A special exception use is an old name for special land use. The new concept for the use of land permitted within a district must be part of the current nature and characteristics which need to go thru a special process of approval; and the ordinance need to designate, within it, the process and how it can be approved or denied; and what are the standards for that use. The current PD district reflects the time when the Ordinance was created, 30 years ago, as non ordinary types of uses; it is not in tune with modern time approach. In the rest of the Ordinance there are only 7 mentions of special exception uses, and most do not have specific standards as to what is being considered. Current items require standards by which special exception uses are evaluated similar to the Bread and Breakfast use. The creation of a more comprehensive Ordinance chapter dealing with special exception uses, would update the system. Currently the Ordinance Section 19.07 deals with special exceptions process but not with standards for specific review when making a decision. Updating the process requires looking at what other communities do with special land uses, what are those uses and where would they permit them, then compare that to the Elk Rapids community, not including orchards and farms. A new chapter will include a process and procedure and will supersede Chapter 13 "PD", and that will bring the Ordinance into modern times.

Discussion and questions ensued. The new chapter can include the protection currently found in the PD chapter. A use currently mentioned in the ordinance would make reference to tie with the standards in the comprehensive chapter. A special land use would require a public hearing and a site plan review. For the next meeting Mr. Nix will prepare, for review, a suggested list of uses that can be considered as special land use in this community.

Chairwoman Mischel tabled the Pine Hollow proposal and the special use standards as both are interdependent and can be looked at in the same venue while we proceed, hoping for a better understanding of the subject and arriving at a decision.

Correspondence None

Comments
Mr. Harret, Zoning Administrator advised that a potential Site Plan Review might be coming for the April Meeting.

Chairwoman Mischel advised that the Training listing in the agenda is moved to take place after adjournment. For this meeting, the special use review made up for the training session.

Ms. Leslie Lee asked about how soon it would be before she can receive an answer for their proposal? Chairwoman Mischel responded that the process involves revising the Zoning Ordinance to accommodate such use through the special use process, which itself has to be written into the Ordinance. What Mr. Clark presented was a start in the right direction. All in all, this would not be a short time process. It would not be appropriate to make a time promise as to when this might be completed, but we have a good start and hope to see it through.

The next scheduled meeting will be on March 6, 2008 at the Government Center, 315 Bridge Street.

Having no further business Chairwoman Mischel adjourned the meeting at 8:30 PM.

E. S. Sabty, Secretary
2-7-2008

Minutes Approved 3-6-2008

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