ELK RAPIDS TOWNSHIP
PLANNING COMMISSION

Meeting Minutes – Thursday March 6, 2008

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

Present: William Larson, Jim Lundy, Emile Sabty, Shen Smith and Renee' Mischel.

Absent: Brian Altonen and Don Glowicki.

Also Present: Leonard Harrett, Zoning Administrator, Brian Wegener, Planning Consultant and audience of 4.

Adoption of Agenda: Agenda for March 6, 2008 was approved by consensus.

Approval of Minutes:
M/S – Mischel/Larson. Minutes for 2-7-2008 meeting, approved by the Planning Commission unanimously.

Public Forum: None.

Old Business

Septage Waste Storage Amendment 2008-02 - On February 12, 2008 the Township Board approved the amendment as written. It was published in the paper on February 21, 2008 and became effective on February 28, 2008.

All 2007 and 2008 amendments through February 2008 were incorporated in to the current Zoning Ordinance. Shen Smith, Township web master, will add a copy of the revised Ordinance to the Township Web Site. A new printed copy will be coming soon.

Planning Commission By Laws - The Chair asked, whether the adopted By Laws must go through a Public Hearing. It was determined that the By Laws are only a guide, created and used by the members and subject to change by same. It does not require a hearing.

US-31 Corridor Amendment – Chairwoman Mischel opened the discussion by posing the question to the members of whether we should go beyond the scope of setbacks, landscaping, parking and other issues mentioned in the report or do we stay with what initially we were working with and get it through? The written report did not give us any recommendations concerning that, but it was expressed verbally by their Chairperson; was that the committee's thoughts or was it the Chairperson's thoughts? How should we view that?

An open discussion followed with pertinent input by the Planning Commission members:

Mrs. Smith stated that while attending two of the Advisory Committee meetings, the members were split in their approach; one group supported the Master Plan approach and setbacks to the Corridor without inclusion of the residential and agricultural current usage, while the other group advocated personal property interests. But they never voted on the issues as is apparent in the report; that what were presented to us were Chairman Sanderson interpretations of the four meetings.

Mr. Larson stated that the Sanderson approach to the setbacks was the only positive thing that was written in the report. The rest was aesthetics to the basic idea of setbacks which would apply to future changes in agricultural use areas.

Mrs. Smith referring to existing setbacks on the West side asked, should not these 150-ft setbacks apply to the current commercial areas where they propose 125-ft setbacks? Further the R-1 Residential and Farms should not be included, they should be able to build wherever they want. It should apply Commercial use only.

Mr. Sabty stated that after years of work on the Corridor Commercial areas, and using past and current Master Plans as a guide, at the existing Commercial strip the average setback from the middle of the road is 150-ft. It is what exists today; compare that to the report recommendation of 125-ft; it just does not make sense.

Mr. Larson felt that originally the Committee was opposed to two things, general setback and parking. Addressing these two items might resolve the concerns, and that other aesthetics can be included, but leave the Farms out of it. That we should be open to incorporating some of their ideas that are really hot topics; take the best of what we had before, add to it some of their suggestions, and make the most of it.

Mr. Harrett, Zoning Administrator, raised the question of Farm Markets, which was listed in the report, and what is the Planning Commission approach on that subject? **Mr. Sabty** responded that the Zoning Ordinance Section 6.01-B covers Road Side Stands that sell products grown on the premises, that it does not address nor mention Farm Markets. In normal zoning standards, a Farm Market is a commercial entity in which many products are sold. It follows that as our Zoning Ordinance does not mention a Farm Market, it does not make it a legal use. **Chairwoman Mischel** stated that the concept of Farm Market and Agricultural Side Stand are a separate issue that we may have to look at in the future outside of the US-31 Corridor Study.

An encompassing motion with members' assistance was made by Mrs. Smith, Seconded by Mr. Larson to:

> Have the Planning Consultant prepare a write up by looking at the US-31 Corridor Advisory Committee Report and the relevant aesthetics reported; include some of the suggestions, with no fixed setbacks at this time, apply the write up to future Commercial uses and Residential R-2 and R-3 developments, but exclude Agricultural and R-1 Residential properties as long as their use does not change. After the Planning Commission review the report, then it goes to the Advisory Committee for their review and report back. Motion Approved 5-0-0.

Special Use Standards – Special Exceptions – Memo of Feb 28, 2008 – **Brian Wegener**, Planning Consultant, went over the memo on hand stating that The Ordinance does not address Special Uses which is a requirement under the Michigan Zoning Enabling Act. The draft on hand is intended to fill that requirement and replace Chapter 13 (PD) of the Ordinance making PD a special use.

Chairwoman Mischel requested that the discussion move to Section 13.02 of the Memo, "Special Use Review Standards."

As that section was reviewed and discussed, concerns were brought forward of which; the general standards may be modified if appropriate and make sure they are compatible to major areas in the Ordinance and the Master Plan. Addressing current use and future use when zoning or use changes. The increased effect on public services etc. when special use differs from current use. Implementing conditions to special uses, but they have to conform to the statutes.

Mr. Sabty referred back to Section 13.01 of the memo stating that the language fits an entity that have a whole time Zoning Administrator that administer all the zoning and planning functions. That is not what we follow in the Township.

Mrs. Smith asked what is wrong with our Special Use Ordinance which was recently modified, Sec 19.07 A-F.

Chairwoman Mischel made the determination that Memo Section 13.01 and Ordinance Section 19.07 be reviewed by the Planning Consultant for next meeting.

Further discussion revealed that in the memo, all Special Use Standards currently in different parts of the Zoning Ordinance were incorporated into the memo Standards Article 13. Why? That for the memo list it is appropriate for some items to have a standard but not all. There can be a common general standard that applies to all the listed uses, but a particular standard pertaining to each of the special uses.

Mrs. Smith stated that our Ordinance show Special Use Standards that were developed when someone asked for them; why would we write standards for every item on the list when no one did ask for them, or they may never come up.

Chairwoman Mischel stated that we should have it in the write up that if some one wants the standard, then we can prepare that Special Use Standard. Why are we moving our existing Special Use Ordinance to this area? What is the reason for which we have to do that?

Mrs. Smith stated that normally the Planning Commission would review the use and determine if it was a similar use or the wrong use. In the memo approach, what form would be used? Is it the existing Special Use one, uses by right by Special Use defined in a specific zone? This write up is a lot of work that we really do not need, we only need to define new uses, like Corporate Retreat, write a Standard for it and include it in the Ordinance, and so on as needed. This memo tends to rewrite most of our Ordinance when that is not needed.

Mr. Sabty asked whether there can be a short section in the Ordinance on Special Use that will be common and is applicable to all, then as a Special Use requirement arises, the Standard developed for it would be specific to that use, but would include by reference the general elements of the common standard.

Chairwoman Mischel asked the Planning Consultant to prepare a new draft based on today's discussion for next month meeting, then tabled the subject for today.

Twin Bay Medical – Site Plan Review – The Planning Commission will hold a Site Plan Review on the expansion of Twin Bay Medical facility. A notice will appear in the paper on March 20, 2008. The expansion of approximately 6,500 sq ft consists of 40 ft to the front of the building and 20 feet along the length of the South side of the structure. The new addition will include a customer and retail section. Additional parking is being secured at the rear of the structure. The Planning Consultant has the necessary copies to prepare a study for the April meeting.

No **Correspondence** was received.

The next scheduled meeting will be on April 3, 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
3-7-2008

Minutes Approved 4-3-2008

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