ELK RAPIDS TOWNSHIP
PLANNING COMMISSION

Meeting Minutes – Thursday October 2, 2008

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

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

Absent: Don Glowicki and William Larson

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

Adoption of Agenda: Shen Smith requested a new item to be added, Safety on Elk Lake Road. Agenda for 10-2-2008 meeting was adopted by consensus.

Approval of Minutes:

M/S – Derenzy/Lundy. Minutes for 9-4-2008 meeting were approved unanimously.

Public Forum: None

Public Hearing

There was no public input on the proposed Zoning Ordinance amendments. As such the Planning Commission proceeded to approve the proposed amendments.

Part 1 -- Amendments

M/S – Mischel/Lundy. Move to recommend approval and implementation of Zoning Ordinance Amendment Chapter 1, Section 1.03 – DEFINITIONS – **Group Retreat Center** as presented.

Section 1.03 – DEFINITIONS

Group Retreat Center - A single family dwelling including accessory buildings and structures used for professional or educational, meetings, conferences, or seminars and which may provide meals, housing, and recreation for participants during the period of the retreat or program only. All meals, lodging and recreational facilities are provided as a package to guests. Such centers may not be utilized by the general public for meals or overnight accommodations.

Vote: Yes – Derenzy, Lundy, Sabty, Smith and Mischel.
Motion passed 5-0-0. Amendment of Section 1.03 as written is approved and will be forwarded for review by the County.

M/S – Mischel/Lundy. Move to recommend approval and implementation of Zoning Ordinance Amendment Chapter 7, Section 7.06 – GROUP RETREAT CENTER (SPECIAL EXCEPTION USE) as Presented.

Section 7.06 - GROUP RETREAT CENTER (SPECIAL EXCEPTION USE)

A. A Group Retreat Center is only permitted as a Special Exception Use in the R-1 Zone. The Group Retreat Center including all uses and accessory uses and structures shall be completely located in the R-1 Zone. The issuance of a special exception use permit for the operation of a Group Retreat Center is subject to the following conditions and the provisions and procedure of Section 19.07:

1. A Group Retreat Center can only be considered on a parcel of at least seven (7) acres in size.
2. The exterior appearance of the structure shall maintain its single-family residential character.
3. All meals of the Group Retreat Center are to be provided in the main structure.

4. One sign is permitted not to exceed six (6) square feet in area. Illumination is not permitted. The location of the sign shall meet the requirements of Chapter 3 of the Zoning Ordinance.

5. Parking shall be provided at a ratio of one (1) parking space per three (3) guests and one parking space for each employee. The applicant shall provide parking spaces for the maximum number of guests anticipated for the center plus employees. The parking area shall meet the standards of Chapter 14 except the Planning Commission may consider a porous parking surface to reduce storm water runoff.

6. Sleeping quarters shall only be permitted in the existing single-family dwelling and no expansion of the existing single family dwelling shall be permitted.

7. Existing accessory structures on the property may be converted to a use associated with the Group Retreat Center. Any proposed use of an accessory structure or building shall be declared in the application material and subject to review and approval by the Planning Commission. Any proposed building or structure to be added to the property shall have a residential character and specified in the application material. Additional buildings must be reviewed and approved by the Planning Commission as a new application if not part of the original application.

8. Site and Structure Requirements

- Minimum parcel size: 7 acres
- Minimum existing single family dwelling size: 8,000 sq. ft. (Floor Area)
- Setbacks:
  - Front Yard 50'
  - Side Yard 30'
  - Rear Yard 50'
- Minimum lot width: 300'
- Maximum structure height: 2 ½ stories or 35'
- Maximum lot coverage: 30%

  Lot coverage shall include the area occupied by structures, dwellings, accessory structures, parking areas, driveways, patios, decks and other impervious surfaces.

B. Other conditions or stipulations may be required if deemed necessary by the Planning Commission to protect the surrounding properties and property values including but not limited to hours of operation, size of group, length of stay of a group, outside activities proposed, use of temporary structures, frequency of events, types of events and others as deemed appropriate by the Planning Commission.

C. The rental of motorized recreation equipment such as snowmobiles, boats, personal watercraft, ATV or similar vehicles, in conjunction with the operation of the Group Retreat Center shall be prohibited. Privately owned or leased motorized recreation equipment will not be allowed to operate from the Group Retreat Center by a guest or an employee.

D. The Group Retreat Center shall be required to be connected to public utilities, if available, or a County approved water and septic system.

E. There shall be no Group Retreat Center allowed within twenty-five hundred (2,500) feet of an existing Group Retreat Center.

F. Property owners within one thousand (1,000) feet of a proposed Group Retreat Center shall be notified by mail of an impending Group Retreat Center special exception use permit application public hearing.

G. A fire escape plan shall be developed and graphically displayed in each guest room. Fire extinguishers and smoke detectors are to be displayed and maintained throughout the home per the Antrim County Building Department and the Elk Rapids Fire Department.

H. The Zoning Administrator shall satisfactorily complete an initial on-site compliance inspection of the facility. Re-inspection shall be performed every third year. A compliance inspection fee shall be charged. The Township Board Fee Resolution Schedule shall determine the initial inspection fee and re-inspection fees.

I. In December of each year, the owner of the property shall submit a report to the Zoning Administrator indicating the number and types of events held during the year.

J. The Special Exception Use permit issued to the original applicant can be assigned to subsequent owners. In the event the property is sold and a new owner who proposes/intends to continue the operation of the Group Retreat Center, the seller shall notify the Zoning Administrator of the name, address and phone number of the new owner. The new owner shall be required to contact the Township for the purpose of reviewing the conditions and operational procedures associated with the original Special Exception approval or any amendments since the original approval.

K. If a Group Retreat Center has lapsed in operation for more than nine (9) months, the Special Exception Use shall become void.

Vote. Yes – Derenzy, Lundy, Sabty, Smith and Mischel
Motion passed 5-0-0. Amendment Section 7.06 as written is approved an will be Forwarded the County.

Part 2 – Amendments

M/S – Smith/Sabty. Move to recommend approval and implementation of Zoning Ordinance Amendment Chapter 17, Section 17.04-B-27-m as presented.

m) An environmental Assessment consistent with Township guidelines.

Vote. Yes – Derenzy, Sabty and Mischel
No – Lundy and Smith
Motion passed 3-2-0. Amendment Section 17.04-B-27-m as written is approved and will be forwarded to the County.

Old Business

Section 2.20 – Standards For Property Adjacent To US-31

Ms. Smith reported that the Advisory Committee met on September 24, 2008 with only three members in attendance. There appears to be concern that existing nonconforming businesses are not adequately protected in case of a fire, they would not be able to rebuild without going through the ZBA/variance process. Also they would not be able to expand their nonconforming use, because they can not increase on the nonconformity. Ms. Smith advised one of the members, that it's the norm that when such expansion is contemplated, such as, where the front setback is less than 50', it goes to the ZBA for a variance, because it is nonconforming today, changing the setback to 150' does not alter the rule.

It was also reported that, it seemed a problem during the meeting was what the interpretation of the proposed Ordinance is. When it was written, the Planning Commission was concerned about the nonconformity and the people not having to pay a fee and go to the ZBA in case they were to have a fire. It is thought that was adequately covered in the proposed Ordinance written. Apparently there is confusion as to how it is actually interpreted. We need to have the Planning Consultant explain the proposed Ordinance to the Advisory Committee to assure them that they are protected and adequately excluded.

During the discussion it was mentioned that the amendment would only affect all new development. It has nothing to do with what exists today, because that falls under the current rules of today. Any existing nonconforming business that may contemplate a change would follow the current applicable rules. Also mentioned was that the Advisory Committee should come forward to the Planning Commission with their concerns so that the proposed Ordinance is explained adequately, otherwise, the Planning Commission should move on with the process.

This subject was kept opened until late in the meeting with the hope that the Advisory Committee Chairman might come to the meeting where the concerns would be discussed.

Chairwoman Mischel would contact the Advisory Committee Chairman to notify the members that the Planning Commission will be discussing this matter at the next meeting. She also would ask him to have a member/s present during the discussion of the Ordinance interpretation, and may be we can bring it to a conclusion.

New Business

Regulating Big Box Retail

Chairwoman Mischel introduced a new agenda subject which will go through an introductory informative process. Planning Consultant Nix went over his memo of September 30, 2008 on this subject. Covered was the Master Plan intent to maintain the rural character of the Township when new development is contemplated, "it specifically suggests that we analyze the feasibility of adding a square footage limitation to prevent big box retail and regional shopping centers from eroding the community's cherished small-town and rural qualities." Possible approaches were presented in handling such a matter.

- Possibility of adding limitation on square footage for size control. This issue is prevalent in various townships and is dealt with in various alternatives.
- Special use standard, special exception.
- Specific rules standards.
- Economic impact statement may be required. This is a lengthy document, but it brings out the facts about such a development impact on the area.
- Deed restriction and private/developer approach.

Most standard technique approach in this community is, to put a standard in the Ordinance that justifies giving rational and reasons why. Then devise the technique there, put limitations on a commercial building size that prohibit then, as a matter of right, large retailers from going in.

The Chair advanced the discussion to, what are we trying to accomplish, what would be our goal, and whether we are over reaching? Should something like this happen, we do have the grounds in place to at least have it in a good location with all what it entails so as not to be a detriment to the community. The owners of land along possible strips are not going to be supportive if what is done is understood to say 'no you can't do this'. We should determine as a Commission where we go with this, and its priorities.

Continuing the discussion, it was mentioned that in such a process, we have to consider that the Village is part of the Township, and how the two are impacted. Also that part of the community is against any such developments, while others welcome them. Whatever is done it should have an acceptable median.

Also discussed was that, in the Township there exists very limited commercial zoning property, this in itself is some sort of control; for whatever is proposed would require rezoning. This approach can be used for control. Further, most such developments would want to locate very close to the Village, for accessibility to Village utilities, with this there is a great probability that the village would want to negotiate annexation as part of that deal. Should that happen said property will be removed from the Township jurisdiction.

It was mentioned that this subject was brought forward because in recent Township Board meeting, people in the audience asked about what the TWP is doing relative this matter in conjunction with the Village work in process. They were advised that the Planning Commission have this subject on their agenda items and that they would be working on it in due time.

It was suggested that maybe the Elk Rapids Community can use future demographic residency count as a base, where if the count is above a set number they can develop, but if the residency count is under that number they are excluded.

It was also stated that a Special Exception approach is an effective tool, with its various guidelines, to approach this subject. Planning Consultant Nix responded that under such an approach a developer may have inexhaustible resources and determination to pursue and try to overcome, by any means, objections in a special exception. This becomes very expensive and cumbersome to a small community.

A new approach was brought forward by Mr. Nix; **developing design for growth guidelines** for commercial developments and base it on size and what we want it to look like. That should bring up what we are concerned about. Would it be a big parking lot in a big ugly store, just having a big store here, or is it the

esthetics or the market impact of what we might get here? As the community grows and prospers, it attracts people, which is the trait of this community. It happened in Traverse City as it developed over the past 30 years. At present this community is not doing much in particular to encourage people to come here. The Elk Rapids Marina had great impact on enhancing this quaint bedroom community. Continuing into the future, we have to manage that growth, control it and direct it thru the planning effort, or zone rules and regulations.

The Chair asked for expanding on the Growth Guidelines approach. Mr. Nix explained that a recommendation to the Township Board to put in our Zoning Ordinance a reference to a Guide that is independent of our Zoning Ordinance. This would be done similar to the Environmental Assessment approach. We can start by studying the Traverse City Design For Growth Development Guidebook which applies to a whole area of growth subjects, and determine which parts are applicable and can be used as a base to make our own guidebook. With that, when someone wants to build a certain size facility, the Guidebook will give enough information to help that applicant, design something we want. A good Design for Growth Guide would help the land owner and the community as a whole, it creates a substantial tax base, it creates a substantial type of project because it would look good, and gives good feeling and the people who frequent it would want to continue to do business there. If the opposite takes place it would not last very long. Even if many people object to a Guidelines idea because it may cost more upfront, over the long haul it pays dividends for the owners and the community.

The Chair stated that such an attempt by the Planning Commission might be a good vehicle to try to bridge the gap between our Zoning Ordinance and our Master Plan and how it is done. Mr. Nix expanded that taking a Guide approach would fit a good timing because we are not pressed to come up with an instantaneous answer. We should think about this discussion, read the TC Design for Growth Guidebook, and monitor what the Village is doing as we proceed with a positive approach.

Chairwoman Mischel stated that we can review this subject again at the next meeting.

Safety on Elk Lake Road

Ms. Smith requested that the Planning Commission express their concerns to the Township Board and ask them to take action on having the County Road Commission add driving safety controls at the Elk Lake Road in areas where nine fatal accidents have occurred to date. Mr. W. White, Township Supervisor who was at the meeting, made a statement that he had contacted the Road Commission about this matter. They have applied for a road grant for signs, reflectors, inlays etc for use on the road to help the safety aspect.

Correspondence & Members Comments None.

Future Agenda Items were briefly identified for the coming meetings

- Sign Lighting Standards – This item would improve the sign standards when issuing a permit.
- Wind Power Standards – This is a new item in Michigan. We do not have anything on it in our regulations. Williams & Works had developed an ordinance on this which we can review and modify if we want to make use of it.

As there was no further business Chairwoman Mischel adjourned the meeting at 8:05 PM.

E. S. Sabty, Secretary
10-2-2008

Minutes Approved 11-6-2008

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