ELK RAPIDS TOWNSHIP
PLANNING COMMISSION

Meeting Minutes – Thursday September 4, 2008

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

Present: Jean Derenzy, William Larson, Jim Lundy, Emile Sabty and Renee Mischel.

Absent: Don Glowicki and Shen Smith.

Also present: Leonard Harrett, Zoning Administrator, Larry Nix, Planning Consultant and audience of 4.

Election of Officers

M/S – Larson/Lundy. Motion by acclamation to approve that the current officers serve for another year.
Chairman – Renee Mischel
Vice Chairman – Shen Smith
Secretary – Emile Sabty
Motion Approved 5-0-0.

Adoption of Agenda: Agenda for 9-4-2008 meeting was adopted by consensus.

Approval of Minutes:

M/S – Derenzy/Lundy. Minutes for 8-7-2008 meeting were approved unanimously.

Public Forum: None

Public Hearing

Zoning Ordinance Chapter 19 "ADMINISTRATION AND ENFORCEMENT." Section 19.07 – SPECIAL EXCEPTION

At the August 7, 2008 meeting the Public Hearing was tabled so that the amendment text is rewritten in a checklist format without content change as now presented in a new Draft of 8-12-2008. The Chair untabled the Public Hearing and asked for public comment on the new Draft of 8-12-2008. With no public input the Public Hearing was closed. Discussion of the Amendment in the new format followed with apparent indications of approval of the new format. The Chair asked for a motion to approve the Amendment.

M/S – Mischel/Larson. Move to recommend the approval and implementation of Zoning Ordinance Amendment - Section 19.07 - SPECIAL EXCEPTION as presented.

Section 19.07 - SPECIAL EXCEPTIONS

A Special Exception Use is a use that is permitted within a specified zone after meeting specific requirements listed in this Section and in the zone. It is the purpose of this Section to provide a process for dealing with a Special Exception Use application, provide general standards and describe the method for addressing an individual special exception use not listed in the Ordinance. Due to the nature of the use, Special Exception Uses require special consideration in relation to the welfare of adjacent properties and to the community as a whole. For a use not listed in a specific zone, see Section 19.07 H.

A. Every application for special exception shall be accompanied by:

1. A site plan as specified in Chapter 17.
2. A filing fee as established in the Elk Rapids Township Fee Resolution Schedule.
3. A narrative describing in detail the proposed Special Exception Use and detailing why the location selected is appropriate.
4. Applicant's statement of the expected effect of the special use on:
   a. emergency service requirements,

b. schools,

c. storm water systems,

d. sanitary sewer facilities,

e. automobile and truck circulation patterns, and

f. local traffic volumes.

5. Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public as may be required by this ordinance, by the Zoning Administrator or the Planning Commission; including, but not limited to the following:

a. measures which will be undertaken to control soil erosion,

b. shoreline protection,

c. excessive noise,

d. light pollution,

e. adverse impacts of the development on the surrounding properties;

f. elevations on all buildings, including accessory buildings; and,

g. an environmental assessment consistent with Township guidelines.

B. When an application has been filed in proper form and with the required data, the Secretary of the Planning Commission shall immediately place the application upon the calendar for hearing and publish and disseminate notices.

1. A notice shall be published once, at least fifteen (15) days prior to the date of the public hearing, in a newspaper of general circulation in the Township. A notice of public hearing shall be mailed by way of U.S. first class mail or personally delivered to the following persons, at least fifteen (15) days prior to the date of the public hearing:

a. The applicant.

b. All persons to whom real property is assessed within three hundred (300) feet of the property that is the subject to the application.

c. The occupants of all structures within three hundred (300) feet of the property that is the subject of the application. If the name of the occupant is unknown, the term "Occupant" may be used in making notification. If the above described three hundred (300) foot radius extends outside of the Township's boundaries, then notice must be provided outside of the Township boundaries, within the three hundred (300) foot radius, to all persons in the above-stated categories.

2. The notice of public hearing shall include the following information:

a. A description of the nature of the application or request.

b. An identification of the property that is the subject of the application or request. The notice shall include a listing of all existing street addresses within the property; provided, however, that street addresses do not need to be created and listed if no such addresses currently exist within the property.

c. State when and where the application or request will be considered.

d. Identify when and where written comments will be received concerning the application or request.

3. Any party may appear at such hearings in person or by agent or attorney.

C. At any public meeting, the Planning Commission shall consider approval of the special exception under the provisions of Chapter 17 and this Section.

D. All conditions of approval of the special exception by the Planning Commission shall take effect immediately upon approval. Any application approved by the Planning Commission, either as submitted or resubmitted in modified form, shall constitute a binding agreement by the applicant that the special exception use permitted shall be made, completed and operated as shown on the development plan. Failure to complete the permitted activity in conformance to the agreed upon development plan and conditions or to undertake the activity within one (1) year shall cause loss of special exception status and reversion to former zoning classification.

E. The Planning Commission decision of approval or disapproval of a special exception application shall not be appealed to the Zoning Board of Appeals.

F. General Review Standards. The Planning Commission, before acting on a Special Exception Use permit application, shall:

1. Utilize and be guided by standards which shall be consistent with and promote the intent and purpose of this Ordinance,

2. Ensure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use.

3. The Planning Commission shall review each application and take action to approve a special exception use application only if it finds that such Special Exception Use meets each of the following standards, together with any and all Special Exception Use standards reflected for the zoning district, and any and all applicable specific review standards found in this Ordinance.

4. The Planning Commission shall determine that adequate facts and evidence have been presented by the applicant that each use at its proposed location will be consistent with the public health, safety, and welfare of the Township and shall comply with the following Special Exception Use standards:

   a. The application is consistent with the adopted Elk Rapids Township Master Plan.

   b. The project is designed, constructed, operated and maintained to be consistent with the existing character of the general vicinity and such use will not change the essential character of the area in which it is proposed.

   c. The proposed use is not hazardous to existing or planned uses in the same general vicinity and in the community as a whole.

   d. The proposed facility is served adequately by essential public facilities and services, such as:

      i. highways,

      ii. streets,

      iii. police and fire protection,

      iv. storm water drainage,

      v. refuse disposal,

      vi. water and sewage facilities, and schools; or

      vii. persons or agencies responsible for the establishment of the proposed use shall provide adequately for such services.

   e. The proposed use does not create excessive additional requirements at public cost for facilities and services and will not be detrimental to the economic welfare of the community.

   f. The proposed activity does not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any property or general welfare by reason of excessive production of traffic, noise, vibration, smoke, toxic emissions, fumes, glare, or odors.

   g. The proposed use shall meet the intent and purpose of the Zoning Ordinance; be related to the standards established in the Ordinance for the land use or activity under consideration; and will be in compliance with these standards.

G. Conditions and Approval Standards. The Planning Commission may establish reasonable conditions of approval for a Special Exception Use permit. The conditions may include, but are not limited to, conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of:

   1. Accommodating increased service and facility loads caused by the land use or activity,

   2. Protecting the natural environment and conserve natural resources and energy,

   3. Insuring compatibility with adjacent uses of land, and

   4. Promoting the use of land in a socially and economically desirable manner.

H. If a proposed use of land or use of a building is not addressed by this Ordinance, the Zoning Administrator and/or the potential applicant may request a determination by the Planning Commission. If the Planning Commission determines that such use is not addressed by this Ordinance, then the Planning Commission may permit such use as a Special Exception Use only after it develops and adopts specific review standards for the proposed Special Exception Use. Once specific standards are created and adopted by the Township, an application may be filed for a new Special Exception Use. Any such conditions imposed or specific review standards employed shall:

   1. Be designed to protect natural resources, the health, safety, and welfare, and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners in the vicinity of the proposed land use or activity, and the community as a whole.

   2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.

   3. Be necessary to meet the intent and purpose of the Township Master Plan and the Township Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

Vote: Yes – Derenzy, Larson, Lundy, Sabty and Mischel

Motion passed 5-0-0. Amendment Section 19.07 as written is approved and will be forwarded to The County.

Old Business

1. US-31 Corridor Amendment Review

During the meeting of 8-7-2008 it was determined that the new US-31 Corridor standard would only appear in a new Section 2.20 as part of the General Provision Chapter 2. A new draft of 8-11-2008 was reviewed by the Planning Consultant, which consisted of subsections A-D. The added subsection D was part of the original text but did not require a previous review. Sub Section D dealt with preserving open space and a mix of use as a development pattern. During the discussion it was suggested with concurrence that Subsection A opening sentence be revised to read, "All new development *requiring site plan review*, excluding agricultural buildings and structures and single family dwellings ….. Another item discussed with concurrence, was to include the definition of "Centerline of US-31" as new subsection 2.20-E rather than showing it under Definitions in Chapter 1. The definition as written applies only to the US-31 Corridor, and no other road and including it under Section 2.20 will bring together all the US-31 Corridor standards into one section of the Zoning Ordinance. Section 2.20 will now show subsections A-E as follows:

Section 2.20 – STANDARDS FOR PROPERTY ADJACENT TO US-31

A. All new development requiring site plan review, excluding agricultural buildings and structures and single family dwellings shall have a front yard of 150 feet as measured from the centerline of US-31 for a new building. Absent the provisions of section 4.02, an existing building damaged or destroyed to the extent of sixty percent (60%) or greater of its assessed value by fire, flood, wind or other calamity may be rebuilt to its original footprint and volume at the time prior to such damage and its use resumed. Also, an existing building may be expanded or enlarged without a variance as per Section 4.02 provided the expansion or addition does not encroach further into the established front yard setback.

B. If a parking area is proposed between a building and US-31, landscaping shall be provided to screen the parking area from the motoring public as determined by the Planning Commission during the site plan review and approval process. Such landscaping shall not cause a traffic hazard or block a reasonable view of the business from US-31. Any landscaping proposed between the US-31 roadway and the property line shall be subject to review and approval by MDOT prior to review consideration by the Planning Commission.

C. That the adverse effects of the proposed development and activities emanating there from upon adjoining residents or owners shall be minimized by appropriate screening, fencing or landscaping. The view of any solid waste containers, mechanical equipment, lighting fixtures or similar accessory structures or uses shall be effectively screened from view from US-31.

D. The Planning Commission will encourage use of Open Space Preservation techniques (as permitted under PA 110 of 2006) and a mix of uses as a development pattern adjacent to this roadway corridor.

E. As used in this section to determine front yard setback, the Centerline of US-31 shall be the Michigan Department of Transportation (MDOT) Survey Centerline.

Chairwoman Mischel stated that the Draft Memo of 8-11-2008 was forwarded to Mr. Sanderson, Chairman, US-31 Corridor Advisory Committee for review then reporting back to the Planning Commission. Discussion of the US-31 Corridor will continue pending the review and reporting back.

2. Section 7.06 – Group Retreat

During the August 7, 2008 meeting it was determined that the Group Retreat standard should not include an option of Accessory Sleeping Quarters. The revised draft dated 8-11-2008 was presented by the Planning Consultant and discussed.

Mr. Russell Clark of R. Clark Associates, referring to Sec 7.06-A-6 in the standard, "… and no expansion of the existing single family dwelling shall be permitted," asked if the standard as written would allow for building

an attached Green House? After discussion it was determined that once the Group Retreat is approved, the addition of such a structure would be considered an expansion which is not be allowed under the standard.

As there was no further discussion, Chairwoman asked for a motion to approve the standard written as follows for public hearing:

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.

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

M/S – Mischel/Larson. Move to approve new Zoning Ordinance Section 1.03 – DEFINITIONS - **Group Retreat Center** and Section 7.06 – GROUP RETREAT CENTER (Special Exception Use) as presented and schedule it for a public hearing.

Vote: Yes – Derenzy, Larson, Lundy, Sabty and Mischel.

Motion passed 5-0-0. A public hearing will be scheduled for the October 2, 2008 meeting.

3. Guidelines for "Environmental Assessment Requirements"

A memo titled "ELK RAPIDS TOWNSHIP GUIDELINES FOR PREPARATION OF ENVIRONMENTAL ASSESSMENT REQUIREMENTS" was discussed and explained. Currently the Zoning Ordinance, as written, does not reference Environmental Assessment Requirements which provide information to the Township when projects are pursued, and how they would impact the environment where they are

contemplated. These accepted common guidelines themselves would not be included in the Zoning Ordinance, but would be only referenced, to be used as a guide on this subject if deemed necessary by the Planning Commission or the Township Board, when reviewing a Special Exception as referenced to in subsection 19.07-A-5-g. The Environmental Assessment Requirement would also be referenced to under a new subsection "17.04-B-27-m" when working on a site plan review which can be used if deemed necessary.

As there was no further discussion, the Chair accepted the Elk Rapids Township Environmental Assessment Requirements Guidelines as written, to be used by the Planning Commission when needed. A motion was in order to amend Chapter 17 Site Plan Review to include subsection 17.04-B-27-m which will reference the above mentioned guidelines.

M/S – Mischel/Larson. Move to recommend the approval of Zoning Ordinance Amendment to Chapter 17 Site Plan Review adding a subsection 17.04-B-27-m as follows: An environmental Assessment consistent with Township guidelines.

Roll Call Vote: Yes – Derenzy, Larson, Sabty and Mischel.

No – Lundy.

Motion passed 4-1-0. The amendment will be scheduled for a Public Hearing Oct 2, 2008.

New Business, Correspondence and Members Comments. None.

The next scheduled meeting will be on October 2, 2008at the Government Center, 315 Bridge Street.

Having no further business Chairwoman Mischel adjourned the meeting at 8:20 PM.

E. S. Sabty, Secretary
9-4-2008

Minutes Approved 10-2-2008

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