

Elk Rapids Township Planning Commission
Meeting Minutes – Wednesday, May 20, 2015
DRAFT (6/1/15)

- Present:** Shen Smith, Jim Lundy, Pug Sliger, William Larson, Dorrance Amos, Jean Derenzy
Renee Mischel
- Absent:** None
- Others Present:** William Derman, Matt Zimmerman, Len Harrett, Larry Nix, William White,
Ken Williamson, Pete VanDenBerg, Mike Szymanski and approximately 80-100 others
at various times during the meeting.
- Adoption of Agenda:** Agenda for the May 20, 2015 meeting unanimously adopted by the Commission
M/S – Mischel/Amos with the amendment to move item “F” Zoning Administrator’s report between
Item H and I
- Public Comments:** None
- Approval of Minutes:** Minutes for the April 21, 2015 meeting unanimously adopted by the Commission.
M/S – Lundy/Mischel

Un-tabling of Special Exception Use Consideration for Pine Hollow Institute:

A Special Exception Use to operate a Group Retreat Center was originally requested by Pine Hollow Institute in May, 2014. The property is located at 10400 South Bayshore Drive (Tax I.D. numbers 05-06-450-006-00, 05-06-209-015-00 and 05-06-029-011-00) Elk Rapids Township, MI. The Public Hearing was conducted on June 17, 2014 and the item was tabled pending the submission of additional inform by the applicant and the rezoning of the subject property. The rezoning was accomplished in December 2014 and the applicant submitted additional information in March 2015.

Motion to Un-Table PHI Special Exception Use Application unanimously approved by the Commission.
M/S – Amos/Sliger

1. Larry Nix, Township Planning Consultant had nothing to add to Memorandum Dated May 18, 2015
2. Len Harrett, Township Zoning Administrator, stated to the Commission that 19 letters regarding PHI were received on the PHI project of which 3 were opposed.
3. The Township Legal staff (William Derman and Matt Zimmerman) had nothing additional at this time.
4. Dale Hull spoke on behalf of PHI: Mr. Hull asked if the meeting was being taped. (yes) Mr. Hull also asked if it was ok to tape it for PHI records. (yes) He went over PHI’s Mission Statement and past history of what has taken place so far with the Special Use Permit request.

Mr. Hull told of several events that were hosted by PHI in the last several months, including how the Commission needed to, and did, change the zoning to this property to R-1. He also spoke of the “feasibility studies” that took place on the estate and indicated that these were done with the full knowledge of the Township officials.

Mr. Hull then received April Memo from Larry Nix of Williams and Works.
Hull went down the list of the conditions and commented on each. Hull sited that this list of conditions are a “deliberate attempt” to make PHI fail.

Chairman Smith responded to clarify a couple of the statements made by Mr. Hull. She pointed out the Planning Commission has never once been advised or had any prior knowledge of the ongoing illegal business operations which were taking place at PHI.

Larry Nix was asked for any comments at this point. He declined to debate the issues.

Fire Chief Pete VanDenBerg was asked for comments;

Chief VanDenBerg brought forward correspondence that he had sent to Pine Hollow Institute, dated April 9, 2015 which stated the Fire Department's recommendations and conditions for the Pine Hollow Institute project.

5. **Public Comments:** The following people spoke in support of Pine Hollow Institute:

Dr. Christine Petersen, Trish Pearlman on behalf of Jody Braun, Pamela Walls, Bob Strait, Paul Hrizko, Don Marker, Brenda Miller, Barb Mullaly, Bill Holland, Mike Hover, Eric Okerstrom, Tony Wittbrodt, , Carolyn Hoover, Braden DeCamp, Denise Mann, Trish Pearlman, and Michelle Laslow

The following people spoke opposed: Richard Pixley, Paula White. Tom Schlintz indicated that he is not opposed to the work that PHI does, that is not the issue being addressed but he is concerned with the daily operations and their impacts on the neighborhoods. Mike Frederickson was not necessarily opposed he just has some concerns regarding the over-all operation of the PHI.

Larry Nix, Township Planner listed reasons for the conditions stated in report on the PHI Special Use application. Matt Zimmerman agreed that the Planning Commission could not base their final decision on the nature or content of PHI's cause as the nature of the activity is not something the Planning Commission should pay attention to, unless it has an impact on the character of the neighborhoods. The Planning Commission must base their review on the impact of that business in that neighborhood and making sure the business is to be operated and run in accordance to the Ordinance and conditions imposed. He also suggested that if PHI wanted to use the accessory barn/kitchen for preparing meals that would be transported to the main building for consumption, then it would have to provide an explanation on how that meets the standards in Section 7.06 and 19.07 of the zoning ordinance.

6. **Planning Commission Comments:** Bill Larson , Jean Derenzy, Dorrance Amos stated comments, concerns and questions addressed to Larry Nix and Matt Zimmerman.

Bill Larson stated that as PHI has been operating illegally over the past two years so what makes us believe they can operate legally in the future.

Jean Derenzy commented she was in agreement with the conditions listed in the Planning Memo regarding PHI submitted by Larry Nix.

Pug Sliger & Jim Lundy indicated they had nothing further to add.

Renee' Mischel stated that as PHI is proposed for a residential neighborhood she believes the outside activities need to be regulated, i.e.

1. How many times per year/month?
2. Hours of outside activities?
3. No use of additional tents or other items for entertainment or cooking.
4. No outside speakers, microphones, etc.
5. No camping, tents or rv's etc.
6. No use of the beach.

In addition to the six points above, also discussed that there would be no parking on South Bayshore Drive for any overflow of cars, no large outside public gatherings such as weddings, picnics, concerts, etc., no fires on the beach, firework displays banned except on the days firework displays are allowed by the County and State laws and the hours for any outside event held at PHI would be between the hours of 8am-11pm. Also discussed was submission of a new site plan showing the placement of the proposed new driveway, the sign description/placement, and any other conditions required to be on the final site plan.

Dorance Amos indicated he was in agreement with the Planning Memo and with of Renee's points. He stated that care must be taken to make sure the neighborhoods receive the conditions and protections they deserve.

The Commission then discussed the next steps needing to be taken to finalize an approval of the PHI special use permit with specific concerns regarding the "Barn/Commercial Kitchen", Parking, Outside activities and all changes that are required per the Fire Department requirements, compliance with the Antrim County Building Department and a resolution of the current PHI zoning violations. Matt Zimmerman indicated the Commission has the legal authority to approve the PHI special use permit with conditions.

Chairman Smith asked Mr. Hull if he would be opposed to allowing the Planning Commission to table the PHI application for a period of about one month thus allowing the Planning Commission a bit more time to make final adjustments to approval conditions. Chairman Smith explained to Mr. Hull that if he is not in favor of allowing the Planning Commission the extra time on this proposal and if the Commission were to make their final decisions this evening, PHI might in fact be granted a final approval with conditions this night, but PHI could not be granted the use of the accessory barn/kitchen for the preparing or serving of any meals, all of which would have to take place in the main structure for that issue does need additional consideration and review by the planning and legal staff. She pointed out that at no time in the past, on any documents submitted, or in the original application was there any mention of the accessory barn/kitchen structure being proposed for the purpose of serving meals within that structure.

Chairman Smith told Mr. Hull the Planning Commission is trying to work with PHI regarding all of the issues discussed but they do need more time. Chairman Smith then asked the Planner Larry Nix's his opinion. Mr. Nix stated he felt the Planning Commission was on the right track with this request.

Mr. Hull again indicated he would not allow the Planning Commission permission to table final determination on the PHI proposal to the next meeting. Chairman Smith indicated the Planning Commission would then proceed with a final review of all proposed conditions for approval of the PHI special exception use permit following a 10 minute recess.

Following the recess, Mr. Hull asked to address the Planning Commission and stated after further consideration PHI was in fact requesting the final review to be tabled until the next Planning Commission meeting. Chairman Smith then polled the Planning Commission members for a quorum date in June, and scheduled the next Planning Commission meeting to be held at **6:30 PM, on Tuesday, June 16, 2015**. A request was made to Larry Nix to discuss the proposed conditions for the special exception use to permit the staff some direction for the next meeting.

Conditions discussed include the following:

- * Detailed site plans, with parking and driveways
- * Resolution of all zoning violations,
- * Limited number of guests, tied to the number of parking spaces,
- * Restriction on parking along South Bayshore – none on side of the roads,
- * Determine number of overnight retreats per month/per year
- * Determine number of day workshops, meeting events per week/per month
- * Perpetual compliance with Ordinance Section 7.06 (Corporate Group Retreat Center) revocation if violations,
- * Compliance with the building and fire department requirements,
- * Frequency - Zoning Administrator will review the property (possibly every 3 years?)
(Mr. Lundy suggested annually, unless there is a complaint or violation in between)
- * Submission of monthly Event Logs, or at least annually.
- * Special exception to run with the property
- * Overnight retreats maximum of 24 people at a time.
- * The Barn building/Commercial Kitchen, possible amendment to Section 7.06 B or other,

- * Create an escrow account per Section 19.08 Zoning Ordinance cover all planning and legal expenses
- * Outdoor Music/amplification should not be allowed (see all points covered by Renee' Mischel above)
- * Outdoor lighting should be residential in character. (this is already noted on PHI application)
- * Timing of the day event s(start and stop time, outdoors only no activities between 11pm-8am).
- * Fireworks only allowed per County and State laws.

M/S - Lundy/Derenzy Motion unanimously approved by the Commission to Table the PHI application until June 16, 2015 at 6:30 pm

Zoning Administrator Report: Hayden Project - There has been no communication.

M/S – Mischel/Lundy Motion to Table the Addendum to the Master Plan (R-3) until the next quarterly meeting likely in July 2015 unanimously approved by the Commission.

Public Comments: There were 4 additional comments regarding PHI requesting the Planning Commission pay very close attention to the number of one day events that might be allowed at PHI.

Motion to Adjourn: Motion to Adjourn at 9:37 was unanimously approved by the Commission
M/S – Amos/Mischel