

**ELK RAPIDS TOWNSHIP  
PLANNING COMMISSION**

Meeting Minutes – Tuesday February 17, 2009

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

Present: Dorance Amos, William Larson, Jim Lundy, Emile Sabty and Renee Mischel.

Absent: Jean Derenzy and Shen Smith.

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

**Adoption of Agenda:** Agenda for 2-17-2009 meeting was adopted by consensus.

**Approval of Minutes:**

1. M/S – Amos/ Lundy. Minutes for 1-20-2008 meeting were approved unanimously after correcting the Public Forum to include - *Mr. P. Brady asked that the Planning Commission add a “Public Comments” section at the end of meetings. The Chair approved the suggestion.*

2. M/S – Lundy/Sabty. Minutes for 2-3-2009 Special Meeting were approved unanimously.

**Public Forum:** Mrs. B. Mullaly, ER Village Planning Commission suggested a joint meeting with the Township PC to discuss common concerns such as big box stores, US-31 corridor and other common subjects of interest to the two Commissions. The Chair was thankful for the suggestion and would take it under consideration.

**Public Hearing**

**ZBA Amendment Request:**

Chairwoman Mischel opened the Public Hearing.

Mr. Sabty outlined a phone conversation with the Township Attorney, during which it became apparent that using the applicable Michigan statute text in Act 110 of 2006, Article 6 (highlighted in italics below) in place of the last part of the amendment as written (highlighted below) would make for simpler text with no loss in meaning. Mr. Nix, Planning Consultant concurred and added that no change in the Public Hearing procedure would be required.

**Section 18.01 - MEMBERS, APPOINTMENT, TENURE, PER DIEM EXPENSES AND REMOVAL**

There is hereby created a Township Zoning Board of Appeals of seven (7) regular members. All the regular members of the Zoning Board of Appeals shall be selected by the Township Board from among the electors of the unincorporated areas of the Township residing within the zoning jurisdiction of the Township. One of the regular members of the Zoning Board of Appeals shall be a member of the Township Planning Commission appointed by the Township Board. One regular member of the Zoning Board of Appeals may be a member of the Township Board appointed by the Township Board, provided that a regular member of the Zoning Board of Appeals who is also a member of the Township Board shall not serve as Chairman of the Zoning Board of Appeals; provided, that no elected officer of the Township nor any employee of the Township Board may serve simultaneously as the additional regular member of the Board or as an employee of the Township Zoning Board of Appeals.

*such a member shall not serve as Chairperson of the Township Zoning Board of Appeals. An employee or contractor of the Township Legislative Body may not serve as a member of the Township Zoning Board of Appeals.*

As there was no public input the Chair closed the Public Hearing. With no further discussion on the amendment the Chair moved for a motion.

M/S – Mischel/Lundy. Move to approve the Zoning Ordinance amendment to Chapter 18, Zoning Board of Appeals, Section 18.01 Members Appointment, first paragraph, using the suggested applicable Michigan Statute text to read:

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Vote – Yes to approve. Amos, Larson, Lundy, Sabty & Mischel.

Motion passed 5-0-0. The amendment will be forwarded to the County for review.

**Old Business:**

Pine Hollow Group Retreat – Preliminary Site Review – Continued from 2-3-2009

The Chair identified five memos received and distributed which pertained to this review:

1. State of Michigan Health Dept. license to operate a food service establishment – Expiring 4-30-2009.
2. Antrim County Health Dept. adequacy of water supply.
3. Pine Hollow memo, 2-11-2009, proposed parking controls on the premises circular drive.
4. Pine Hollow memo, 2-11-2009, statement of intent regarding parties and social events.
5. Elk Rapids Fire Dept. memo of concerns, 2-12-2009, re the received site plan proposed changes to use Pine Hollow as a Group Retreat Center.

Items of concern from the last meeting that were addressed by the received memos were reviewed, water supply, kitchen license, parking concerns, and statement of intent re parties and social events. The Fire Dept concerns are being addressed with compliance to be reviewed at the time of issuing building and occupancy permits. A suggestion was made to include conditions that address the Fire Dept. concerns in the approval process.

Mr. Ken Orkert, representing the applicant, spoke of the Fire Dept. Memo of concerns, relative the number of guests allowed outdoors on occasions, that during those outdoor events, they can allow more than 50 people outside the building and still meet the safety concerns, that they want more latitude and would rather not put a number to the outdoor events. To that effect, the Fire Dept. had asked the applicant for a number, when then, they will determine if they are comfortable with the safety aspect. He went on to say that in the past Ms. Lee stated that they have had up to about 200 people on the premises with no safety problems.

Mr. Sabty stated that to the Planning Commission the number of people is not the concern. The issue is that during the meeting of 2-3-2009, after discussing Outside Entertainment and Day Use activities, the Commission determined that, "The Planning Commission requests a position statement indicating that there shall be no outside entertainment activities, all events are limited strictly to the operation of a corporate retreat with no leasing of premises or grounds for outside activities i.e. weddings, picnics, etc." Further this determination was one of five items the applicant was to supply information on to the Planning Commission; it stated, "Outdoor Activities & Day Uses – A statement of intent reflecting the concerns of the Planning Commission with indication regarding no jet ski use, no non related day activities allowed, and the proposed intent of any or all outdoor activities provided for or by the guests of the corporate retreat."

Mr. Orkert responded that they still would like to have more latitude, and that it is a question if the Commission would allow that, and if they can revisit that from a safety stand point.

Mr. Sabty stated that the applicant's request is for a Group Retreat Center to be used by the people using the facility. When it becomes a use by 100 or 200 or more people on the premises, that is not the Group Retreat Center that was described in the application.

There were expressions of agreement on the position conveyed above.

Mr. Nix, Planning Consultant, advised that the Commission should make sure that it is understood what this operation is, and how it was originally drafted. The definition is clear of what a Group Retreat is and what the intent of it is, but when one starts moving away from that intent, you start experiencing what happens. We have to balance that if a normal resident is having a wedding reception in their yard, that may happen once a year or once in a lifetime, it is not something that may occur 4 or 5 times every summer. Apparently what the applicants are telling us, they would like to potentially have those events on the property on a more frequent basis. They can offer that, if it is what they want to do, they should state that intent and make it part of their application, and then after a Public Hearing the Planning Commission can make the determination whether to permit that or not. It is better if they fully disclose what they want to do going in, as opposed to addressing it during this preliminary review process by telling them they can or can't do something at this point in time. At this time we are only establishing whether they met the submission requirements or not. The application, or what they want to do, is not being evaluated now. Just because they ask for something now, it does not mean they are going to get it.

Mr. Orkert reiterated that they don't want to be restricted by the 50 number appearing in the Fire Dept memo, and that the number is not in their application at all, nor was it mentioned in their discussions.

Mr. Sabty stated that the proposed Group Retreat mentions 24 guests, and an outdoor activity accommodating those guests may include somewhat more guests, but not 100-200 or more. In the past when such a large outdoor activity took place, the premises were a private single family residence, but in a Group Retreat Center the premises becomes a special exception commercial use, and that type of outdoor activity is not in the Ordinance.

Mr. Harrett, Zoning Administrator, stated that in the Ordinance, Group Retreat Center, Section 7.06-B, the text does not mention number of people participating in outdoor activities. Chairwoman Mischel responded that is why the letter of intent from the applicant is required for clarification. Mr. Amos added that based on a Group Retreat Center use, is what determines the activities on the premises. Mr. Larson added that there is latitude in the ordinance for more than 24 guests as long as it is related to the Group Retreat Center. Chairwoman Mischel added that the premises would be R-1 overlaid with a special use special exception for a Group Retreat Center permit, it would not be opened for outside functions that are not in the Group Retreat Ordinance.

Mr. Orkert stated that the Group Retreat Center definition does not limit the number of guests as shown in the Fire Department memo. Further Ms. Lee wants to pursue outdoor events.

Mr. Nix advised that at this time there are two outstanding questions for the applicant to address; working with the Fire Dept. to review the concerns in their letter, and to provide additional information to clarify their intention in the special exception use that is acceptable, given the parameters of the Zoning Ordinance. At this time the Planning Commission is not regulating, nor are they in a final review mode, just trying to understand what the applicants are doing; we can agree or disagree with what they are proposing to do, and at the same time try to have clear information to make a decision on this after holding a Public Hearing.

Mr. Amos asked if the Group Retreat is a commercial use or not? Mr. Nix responded that it is a Group Retreat, and emphasized going over its definition very carefully. If the applicant interprets it to mean another thing, then they need to make that very clear. The Township does not want to have problems down the road where all these events are going on every weekend thus creating unforeseen problems. At this juncture we are trying to make sure that we have all the information and all the details to our satisfaction of what they want to do. The discussion taking place here is to clarify all those points. Further, Mr. Amos asked if we are reviewing a Group Retreat or a commercial event. Mr. Nix responded that it is a Group Retreat. To which Mr. Amos emphasized that then we should stick by the Group Retreat premises.

Chairwoman Mischel stated that at this time it seems more documentation is needed so that we can continue the site plan review; we do need further clarification on:

1. Fire Department concerns expressed in their memo of 2-12-2009.
2. Outdoor activities issues.
3. Tax rolls merger agreement issue.

Mr. Orkert asked if a Public Hearing process can be started now, while they would work on and have the required information supplied before the hearing. The response was that time is very short to process for a public hearing and at the same time review the requested information.

Chairwoman Mischel asked for a motion to continue the tabling of the preliminary site plan review until the next meeting on March 17, 2009 at which time the three requested items are reviewed. To that effect a motion was made by Amos/Lundy and approved 5-0-0.

### **New Business**

#### **Elk Rapids Township Community Character**

Mr. Nix explained the memo report of 2-2-2009 on this subject. It summarized five surveys from this community and is complimentary to the Township Master Plan. The surveys describe who we are, what we are and what we like to be here in the Elk Rapids Township community. The report brings out six pertinent statements for Planning Commission review. Any other pertinent areas of interest would be added for inclusion in the guidelines for Community Character for Growth.

Discussion brought out other areas of interest to be included:

- Other non mentioned criteria being very important to the development of this study are the preservation and encouragement of agriculture and its related endeavors affecting farming tourism.
- Encourage growth that creates jobs in the community.
- The fact that the Elk Rapids community area is a unique place to live in.
- Preserving an existing ideal atmosphere for living in this community.
- The feeling for property value preservation that is an economic vitality in this region.
- Good school system.
- A residential community for surrounding work areas, a Cottage Industry community and a unique retirement community.

At this time the Commission was asked to list what would be on the negative side. Things that we want to avoid going into in the future. An example was Big Box Stores. The brain storming brought up the following:

- Changes in landscape.
- Strip malls and fast food drive in.
- No affordable housing available in this area.
- No jobs, low pay.
- Change in residential concepts and future character of the area.
- Security and feeling safe as the community grows.
- Smart growth.
- Destruction of natural features and natural resources.
- Large size industry in a small township.
- Rising cost of land and housing has a negative effect on the young starters.
- Loss of open space.
- Trailer Parks and very low value housing under the guise of affordable housing.
- Lack of walking and bicycle trails within the community to move around easily and safely.
- Increase in taxes may have adverse effect on farm preservation.
- Lack of development of *Control Option*.

Mr. Nix advised that he will be sending out a list of the pros and cons that may have an effect on the community in the coming 20 years. It is to be ranked and returned for compiling and review at the next meeting.

**Correspondence**      None.

#### **Public Comments**

Mr. P. Brady thanked the Planning Commission for including a Public Comment period at the end of each meeting.

**Members Comments**

The Chair brought the subject of a joint meeting with the Village Planning Commission. It was suggested that the Chairpersons from both Commissions meet to explore the feasibility and content of such a meeting. It was also suggested that we wait until after we get going with the Township Community Character study, as the study itself was prompted by the Village concerns about big box stores and the US-31 Corridor, that once we get the feel for the study we will be in a better position to have a joint meeting in which we can all participate productively.

The Chair will try to find more about the subject and go from there.

As there were no further discussions Chairwoman Mischel adjourned the meeting at 8:10 PM.

The next scheduled meeting will be on Tuesday March 17, 2009 at 6:30 PM in the Government Center, 315 Bridge Street.

E. S. Sabty, Secretary  
2-17-2009

**Minutes Approved 3-17-2009**

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