

MEMORANDUM

TO: Elk Rapids Township Planning Commission
FROM: Larry Nix, PCP Consulting LLC
DATE: April 4, 2019
RE: **365 Outdoor Inc. Special Exception Use for Outdoor Display**



Mr. Eric Rubert of 365 Outdoor submitted an application and site plan in 2013 to establish a “landscape and irrigation company” and to modify a developed site at 11550 South US-31. The property is located along the west side of the highway in the Commercial Zone. At the May 21, 2013 Planning Commission meeting, the Commission voted to approved the site plan with conditions and also to approve the Special Exception Use to permit open space storage and equipment. Those motions and conditions are attached for your information.

Mr. Rubert now desires to add an Equipment Rental Business, a display area for the rental equipment business and make changes to the existing sign. He has submitted a ‘site sketch’ for your consideration in this matter. Following are comments on the material submitted.

The primary subject of the public hearing is the application for Outside Sales and Displays are permitted by a Special Land Use in Section 11.05(B) of the Zoning Ordinance. The site sketch indicates two Outside Sales and Display areas, one on each side of the entrance between the US-31 right-of-way line and the 50’ setback line. The other element of the review is the applicant has altered the screening on the site of the outside storage area. The maintenance of the existing screening was required in the 2013 plan approval and it appears the bulk of this screening has been removed or cut down and different material has been planted. The plan submitted does not indicate the nature of the new screening or an accurate depiction of the layout of the landscape/screening area. It is also noted the plan submitted has not been sealed by a professional as required in the Zoning ordinance. (Section 17.04(A)(7)).

Given these short comings of the material submitted, it is suggested we hold the public hearing, take public comments, review the material with the applicant and adjourn the public hearing and decision until a specific time and date, to permit the applicant sufficient time to address the shortcomings of the submission and address any questions raised by the public and the Planning Commission. It is also noted the applicant needs to fully address the requirements of Section 19.07(A) of the Zoning Ordinance as provided below.

- 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 emergency service requirements, schools, storm water systems, sanitary sewer facilities, automobile and truck circulation patterns, and 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, measures which will be undertaken to control soil erosion, shoreline protection, excessive noise, light pollution or adverse impacts of the development on the surrounding properties; elevations on all buildings, including accessory buildings; and, an environmental assessment consistent with Township guidelines.
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**Planning Commission Action on 365 Outdoor Inc.
May 21, 2013**

M/S – Sabty/Derenzy. Move to approve the Site Plan as presented for 365 Outdoor, Inc. with the following ten (10) conditions:

1. Void Past Approvals: Other uses and conditions previously approved by the Elk Rapids Township that are not associated with 365 Outdoor, Inc. operations are hereby voided.
2. Outdoor Functions: No outdoor functions are allowed on the premises that are not considered in the landscape and irrigation category.
3. Fire Department Recommendations:
 - a. Install a key lockbox at the gates that complies with the Elk Rapids Fire Dept. requirements.
 - b. All flammable liquid is to be stored in an out-building that is at least 10' from a main structure.
4. Sewer Line Hook-Up: The property owner warrants and agrees to hook up to the Township sewer system if and when it would become available to the property.
5. Outside Lighting: To prevent glare from traveling onto neighboring properties, or cause traffic problems, outside lighting located on the property is to be Zero Degree down mounting. Lighting details shall be reviewed and approved by the Zoning Administrator prior to issuance of Township permits.
6. Front Set Back:
 - a. Should adhere to the deeper front setbacks in practice by the US-31 Corridor Commercial Zone businesses as advanced by the Master Plan.
 - b. The 15 parking spaces located west of the front set back line should be separated from it by "Parking Blocks" or anchored "Rail Road Ties."
 - c. No trailers or equipment is to be parked in the front setback area behind or in front of the existing fence. Living landscape material may be temporarily stored at the front setback area west of the fence.

- d. The circular driveway in the front, around the sign, should not encroach into the MDOT ROW.
7. Site Plan Time Frame: This Site Plan covers proposed changes contemplated and completed by 4-16-2014. Future proposed structures after 4-16-2014 should be applied for separately at such time accompanied with the required engineering drawings and other required standards.
8. Outside Storage: Landscape Material should be stored in bin blocks, especially any piled material, based upon the Special Exception Use Permit.
9. Parking On Site:
- a. All 48 customer and employee designated parking spaces should be configured on a 10'x20' parking area per vehicle.
 - b. Any customer and employee parking spaces that would not be currently developed are to be noted as "Available Future Parking Spaces," and should be preserved and their space stay opened. Seven (7) additional parking spaces need to be added to the 'future parking area' to total 48 parking spaces.
 - c. Future parking shall be reserved as such and not developed for other purpose.
10. Greenbelt Requirement: The present plant screening is acceptable, however if some plants should die off, they shall be replanted to meet the specification in the Zoning Ordinance.

Vote: Yes to approve. Derenzy, Larson, Lundy, Sabty & Smith. Passed 5-0-0

M/S – Sabty/Lundy. Move to approve the application by 365 Outdoor. Inc. for Special Exception Use for open space storage of landscape material and equipment; with emphasis that the stored material or equipment stay screened and the surrounding green belt around the property is maintained, and any dead plants are replaced as required by the Zoning Ordinance.

Vote: Yes to approve. Derenzy, Larson, Lundy, Sabty & Smith. Passed 5-0-0