**GREEN LAKE TOWNSHIP PLANNING COMMISSION**

**GOLDEN FELLOWSHIP HALL**

**9700 RILEY ROAD, INTERLOCHEN MI**

**SEPTEMBER 23, 2019**

**MINUTES**

1. **CALL TO ORDER**: By Chair Kopriva at 6:00 pm.
2. **PLEDGE OF ALLEGIANCE**: was recited.
3. **ROLL CALL:** Board members present were: McDonald, Mouser, Horne, Kopriva and Schuster. Schworm arrived at 6:30 pm. Marshall was absent. Also, present were Alycia Reiten, Zoning Administrator and Ronda Robinson, Recording Secretary.
4. **APPROVAL OF MINUTES:** Moved by Horne and supported by Mouser to approve the Minutes of the meeting held on August 26, 2019, as amended. In 9 A *Zinkel* changed to *Zirkel*. In 9 C corrected, not removed *Depth*. In 10 A add *Roy Volkening, ZBA Chair, provided background and history related to the text amendment*. *Advised* changed to *Advice.* 10 B add *McDonald provided handouts of the two versions.* Carried.
5. **FIRST PUBLIC COMMENT:** None.
6. **APPROVAL OF AGENDA:** Moved by Mouser and supported by Horne to approve the Agenda, as amended. Carried.
7. **CONFLICT OF INTEREST:** Horne stated he has a conflict of interest with ZBA 19-002, his wife is on the Board of Interlochen Center for the Arts.
8. **NEW BUSINESS**:
9. ZBA 19-002 A site plan review for Interlochen Center for the Arts for the reconstruction of the existing dance building and associated land improvements.

Horne excused himself to the audience.

Eric Gray, Executive Director of Facilities and Maintenance, Interlochen Center for the Arts, reviewed the proposed site plan. He explained that ICA received a Variance from the ZBA to build the new Dance Building in the same footprint as the existing Dance Building. It will not be anymore non-conforming than it is now. The existing building was inadequate, and they want to build a World Class Building to recruit World Class talent. The proposed building will be one story at the water’s edge with a second story stepped back. ICA will also be demolishing a building that has been abandoned since 1992 and hopefully building a new residence hall there in the future. The storm water management will all be improved.

Kopriva asked if the walkway by the water will be paved. Answer is no, it will be gravel.

McDonald asked if ICA has seen the Staff’s Site Plan Detail Requirements and are they able to comply. Gray said yes, but can the information be attached to the Site Plan instead of on the Site Plan?

Kopriva said ICA needs to submit the additional information, get all permits required from outside agencies, as conditions of approval, and the standards of Section 13.9 are met.

Motion by Mouser and support by McDonald to approve ZBA 19-002, Site Plan for Interlochen Center for the Arts, as it meets the requirements of Section 13.9 of the Zoning Ordinance, conditioned on the additional information required on the Staff Report being attached to the Site Plan and all required permits granted from outside agencies. Carried unanimously.

Horne rejoined the Board at 6:19 pm.

1. ZOA 19-03 A Public Hearing to receive and discuss any public comment for consideration given relative to the proposed amendment to Article 9 Special Land Uses and Special Use Permits, 9.4 General Requirements of the Green Lake Township Zoning Ordinance as Amended through October 2018.

Kopriva stated McDonald had handouts for the Board at last month’s meeting. D ended up getting changed, instead of E. This amendment puts the original D back in and makes the new E as it should have been.

PUBLIC HEARING: Opened at 6:20 pm by Chair Kopriva

PUBLIC HEARING: Closed at 6:20 pm by Chair Kopriva.

Mouser stated that this issue was discussed at great length previously and as long as everyone is satisfied that this is want needs to be done and it will formalize what was decided.

Kopriva said she believes this accurately reflects what the intent was when it was originally approved.

Motion by Kopriva and support by McDonald to recommend to the Township Board approval of ZOA 19-03. Carried unanimously.

1. **OLD BUSINESS:**
2. ZOA 19-01 Discussion relative to the proposed amendment to Article 8 Zoning Districts, 8.6 Table of Uses to no longer allow residential uses by right in the Village Commercial District.

Kopriva reviewed that last month they discussed allowing accessory dwellings units on commercial buildings, but it would not be required. After a discussion *the owner/tenant of the business shall* was changed to *the business owner/operator shall.*

Motion by Kopriva and second by McDonald to schedule a Public Hearing for 19-01 with the above change. Carried. See Attachment A for amended language.

1. ZOA 19-02 Discussion relative to the proposed corrections to errors, omissions, grammar and article organization of the Green Lake Township Zoning Ordinance. The proposed corrections also include removal of Article Districts, 8.5 District Provisions-G. Office Overlay District and all applicable impacted and subsections: The proposed also includes corrections and additions to Article 3 Definitions, 3.1 Defined Words and Terms.

McDonald recommended changing *Office Overlay District* to *Office Distric*t.

After a thorough discussion of the definition of a DUPLEX Kopriva asked Reiten to clarify the definition of DUPLEX with the Township Attorney.

The Board discussed the definition of GAZEBO and decided on *a detached accessory structure with a roof, no walls and not intended for habitation*.

Kopriva recommended, DWELLING, DUPLEX (also MULTIPLE FAMILY, SINGLE FAMILY) *means a dwelling* changed to *means a residence*.

McDonald wanted *easily, as opposed to fixed at a location* added to the end of the definition of PORTABLE SIGN.

McDonald said add *or successor* to Section 4.21.

Horne asked to change *unit* to *unit/s* in the definition of DWELLING.

McDonald asked to see the rearranged verbiage in Article 8 for the Public Hearing.

Motion by Kopriva and support by Mouser to schedule a Public Hearing for ZOA 19-02 with the changes discussed tonight. Carried.

1. Discussion related to the text amendment proposed for Article 15 Board of Appeals, 15.4 Variances.

Kopriva explained the record is not clear as to which version of the amendment was voted on previously.

Reiten said the language the Township is using now does meet the requirements of the Michigan Zoning and Enabling Legislation and the State Legislation. The Michigan Appellate Court has upheld standards that are very similar to the ones we have. If the Board believes that the language should be changed, she would like to understand why, since what they have works. She is the person that walks residents thru the Variance process, and she needs to be able to do so efficiently. The language should be easily read by residents. She will support the changes the Board sees necessary. She has supplied the Board with some samples of language from other Michigan jurisdictions. Variances are supposed to be difficult to receive. When the Zoning Ordinance was modified in 2006 over 50% of the parcels in the Township became nonconforming.

McDonald explained that the Old Ordinance had eight findings and the New Ordinance (option 3) has three findings. #2 on the Old Ordinance shouldn’t even be in there, they don’t give Variances for uses. It also mandates the ZBA give the smallest Variance possible, they have never done that. #4 in the Old Ordinance says the reasons must be stated in the application, they aren’t allowed to make any findings regarding what is presented at the hearing. #3 in the New Ordinance is closer to the statute than the Old Ordinance. #1 a ,b, and c were eliminated in the New Ordinance and d was kept. Simplification was the goal and because of all the non-conforming lots in the Township the ZBA gives out a lot of Variances. If they had to follow the Old Ordinance, they wouldn’t be able to give out very many and they would have a very unhappy populous.

Kopriva asked why they don’t adopt the language from the Court of Appeals. McDonald said the language is from before the statue was changed.

McDonald said on October 23, 2018, they were sent the new language and they approved it at the Public Hearing in November. The PC Board only made one change; must to *shall*. They sent it onto the Township Board for approval. The Planning Commission spent a lot of time on this and he doesn’t know why they need to start over again on this item. The Township Attorney added language back in and made it wordy. The ZBA, who enforces this Ordinance, likes the new language. *Unnecessarily burdensome* is the key to the whole thing.

Kopriva said you would have to make a finding on a, b and c. She also doesn’t like the way 2 a and b are worded in the negative. She likes the City of Midland’s language; it is clear and has a lot of the same language as the proposed amendment. She knows the PC made a motion to send this onto the Township Board but if they like something better now, this is the time to deal with it.

Mouser said Midland’s language is layperson friendly. McDonald said it would be fine except it has the minimum Variance as required and it also requires a unique circumstance. Kopriva said maybe the Zoning Ordinance needs adjusted because every time you grant a Variance without a unique circumstance the Ordinance is being weakened. The problem then isn’t the standard but the regulation.

Schworm likes Midland’s language but get rid of e and replace it with Genoa Township’s #2. Kopriva thinks #2 is Midland’s d. Kopriva likes Midland’s e because it doesn’t say *self-created*, it says *strict compliance with the Zoning Ordinance*. It is a higher threshold to get over when it can’t be self-created. It is the Township’s policy as to how you want to handle Variances. You are giving someone a pass to do something. She thinks there are very few times you should ever give a Variance.

Schworm asked why don’t they leave the language alone and work on the Zoning requirements in the Lake Residential District? Most of the lots are non-conforming. Kopriva said if they created an Ordinance that creates this much issue they should go back and adjust the Ordinance.

Reiten said R1 and R2 also have problems. She said the Master Plan needs to first be brought up to speed, the last update was in 2011, and then rewrite the Ordinance to reflect that. They can make any changes the Board sees fit. She suggests taking one section at a time.

Mouser said they are looking at the short term and therefore need to have a document in hand that staff can have in the office and a layperson can walk in and comprehend. Which of these examples would bring a short resolution to the problem?

Kopriva believes it isn’t a public or staff issue but a ZBA issue, they don’t agree with what the standards are.

Horne stated that if they recommend different language, the Board will need to hold another Public Hearing. Doesn’t Midland’s language, tweaked a bit, say what they want. Kopriva doesn’t understand the need for the change, she understands the ZBA’s want for the change. She doesn’t understand the purpose. This a susceptible place in the Ordinance to be challenged. She wants Township Attorney’s comments to be included in the records.

Motion by Mouser and support by Schworm to send Midland City’s language with c being change to something similar to New Ordinance language A 1 b of page 27, to the Township Attorney for review, and then a Public Hearing scheduled. Carried.

1. **OTHER BUSINESS:** None.
2. **CORRESPONDENCE:** None.
3. **SECOND PUBLIC COMMENT:** None.
4. **DISCUSSION:** None.
5. **ADJOURNMENT:** Meeting adjourned by Kopriva at 7:36 pm.

WILLIAM MOUSER, SECRETARY

GREEN LAKE PLANNING COMMISSION

RONDA ROBINSON, RECORDING SECRETARY

GREEN LAKE PLANNING COMMISSION

NOTE: THESE MINUTES ARE SUBJECT TO AMENDMENT AND /OR CORRECTION PRIOR TO THEIR ADOPTION.

Attachment A.

The previous text amendment related to Article 9 Special Land Uses and Special Use Permits, 9.4 General Requirements may not have been completed as intended. This appears to be true. Not only was it not amended with the correct language, it was not advertised correctly. Therefore, the proposed amendment needs to be re-advertised and a new public hearing held.

The language originally was:

Green Lake Township Zoning Ordinance as Amended through April 2018

D. The use will not be hazardous or disturbing to existing or future uses in the general vicinity.

E. The use will be a substantial improvement to property in the immediate vicinity and to the community as a whole.

Green Lake Township Zoning Ordinance as Amended through October 2018

D. The use will not be a substantial detriment to the properties in the immediate vicinity or to the community as a whole. [amended by ZOA #18-04, adopted 7/09/2018, effective 7/17/2018].

E. The use will be a substantial improvement to property in the immediate vicinity and to the community as a whole.

Correcting the error to make the language what was intended previously:

~~D.~~ E. The use will not be a substantial detriment to the properties in the immediate vicinity or to the community as a whole. [amended by ZOA #18-04, adopted 7/09/2018, effective 7/17/2018].

~~E. The use will be a substantial improvement to property in the immediate vicinity and to the community as a whole.~~ D. The use will not be hazardous or disturbing to existing or future uses in the general vicinity.