**GREEN LAKE TOWNSHIP PLANNING COMMISSION**

**9394 10th Street, Interlochen, MI**

**AUGUST 27, 2018**

**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, Schuster, Jackowski, Marshall, Schworm, and Kopriva. Also present was Kevin McElyea, Zoning Administrator and Ronda Robinson, Recording Secretary.
4. **APPROVAL OF MINUTES:** Moved by Mouser and supported by Schworm to approve the minutes of the meeting held on July 23, 2018, as presented. Carried.
5. **FIRST PUBLIC COMMENT:** None.
6. **APPROVAL OF AGENDA:** Moved by Mouser and supported by Jackowski to approve the agenda, as presented. Carried.
7. **PUBLIC HEARING:**
8. **ZOA #18-06:** Receive and discuss any public comment received and consideration given relative to the proposed amendment of the zoning ordinance with respect to an Institutional Master Development Plan within the described boundaries of the institutional district.

Harry Wierenga, LLA, Fleis & VandenBrink, explained that the Planning Commission was approached by Interlochen Center for the Arts a year ago with a proposal for an Overlay District. The purpose of that was to simplify future planning and development procedures and set standards for site plan approval and to understand what the intent of ICA was going forward. With more thought given to the matter it was decided that the Institutional Zoning District would serve the Township and ICA better. The District could encompass other Institutions and be a tool for more than ICA. ICA’s proposed Master Plan submitted to the Township would explain intent, simplify future plans, handle growth and it would all be a matter of record. It would help the Township be more responsive to changes and stream line the administrative duties. He said the Plan is a guide book and not a site plan. The future site plans submitted should be similar to the ICA Master Plan but would still need to be reviewed.

Dusty Christensen, Mansfield Land Use Consultants, explained that the language approved by the Planning Commission over a year ago was for an Overlay District. Then the Township Board decided to send it to a subcommittee for review. A consulting planner was hired to review the proposal and provide some recommendations. The result had the same standards and intent that the Planning Commission approved but was repackaged into Section 8.5 M of the Ordinance, the existing Institutional Zoning District. It is a good compromise and a better fit than the Overlay District. It sets in place a standard and a process for Interlochen Center for the Arts to be able to plan for the future with the Township being more aware of the plans. He said it will improve transparency. It is more streamlined and helps ICA while giving the Township a good idea of the future needs. It would put all the ICA properties into one District instead of many different Districts. This plan is to bring ICA more into compliance with the Ordinance and have a better line of communication with the Township.

The Board discussed if all ICA properties could be rezoned, notifications for proposed rezoning, does the proposed rezoning meet the Township Master Plan, how to approve the Interlochen Master Plan, changes to be made to the proposed language, does this proposed language override the Ordinance, does the ICA plan stand alone, should the Plan just be submitted as their dreams but not be approved by the Township.

Opened the Public Hearing by Kopriva at 7:03 pm.

Closed the Public Hearing by Kopriva at 7:03 pm.

Mouser understands using this Zoning District because all the work can be applied to other areas also. He sees the wisdom in planning for the future. He thinks the details need worked out.

Schworm likes the effort ICA is making to be open with the Township and he likes the plan as a guideline. He said the table of uses is what is already being done there.

McDonald said the site plan review language is a little weak. He wants *requires approval* inserted. He would like to work out the final details and get it passed onto the Township Board soon, but he knows it will take some time.

Jackowski would like to work this out till both sides are in agreement with all the details and it will take some time but he wants to get it right. He thinks a committee can work on it and bring it back to the Planning Commission for consideration.

Kopriva wants to add conditional uses to the review process. She said there are no standards to approve the Plan with. In concept she likes the idea of the Plan and getting it approved. She does have issues with some of the language, and some of it isn’t carried into the Ordinance language, it should be consistent throughout the Ordinance. The intent of the language previously approved was to not have everything come back to the PC after the plan was approved, only the special use items.

Schuster doesn’t think ICA needs to come back for every project and they can work out verbiage that makes it easy for all.

Marshall wants to discuss it more as a whole.

McElyea said it sounds like they may want to add more PC members to the subcommittee. If it is more than a quorum they will post the meetings.

Kopriva, Schworm and Marshall will join the subcommittee that McDonald and McElyea are already on. They will meet in the next two weeks.

1. **ZOA #18-07:** Receive and discuss any public comment received and consideration given relative to the proposed amendment of the zoning ordinance with respect to recommending changes to Article 8.6 Table of Uses of the Township zoning code to specify which uses are permitted by right, conditional use or special use.

Kopriva said the changes were to the Health Service’s Definition adding EXCLUDING MEDICAL MARIJUANNA USES.

The ON HOLD should be crossed off the Table of Uses.

Opened the Public Hearing by Kopriva at 7:34.

Closed the Public Hearing by Kopriva at 7:34.

Motion by McDonald and second by Jackowski to recommend approval of ZOA #18-07 to the Township Board. Carried.

**8. OLD BUSINESS:**

1. Continued review and discussion of Gateway Overlay District with the intents permitted, and conducive to the goals and objectives of the Green Lake Township Zoning Ordinance Master Plan.

Motion by Kopriva and support by McDonald to postponed until the next Planning Commission meeting. Carried.

1. Consideration of amendment of Article 15 – Board of Appeals, Section 15.4 Variances, as recommended by the Green Lake Township Zoning Board of appeals at their June 13 meeting. Also, review of Township Attorney opinion on draft changes (to be handed out at meeting), and review of ten-year variance report specific to individual lakes, as requested. --Ready to schedule public hearing at next meeting?

McElyea stated the Township Attorney said if you are going to change it change it verbatim. He also said I do think the standards discussed by the courts are suitable. The more complete descriptions of the standards would make applications easier to makes.

Kopriva questioned him saying, do the standards verbatim but I like the way you have them better? Maybe he means A thru C should read exactly like in the Law and the rest of them are fine.

McElyea said Kuhn wanted them to nail down the term *practical difficulty* and this language seems to do this.

Kopriva said we should follow our Attorney’s advice.

Jackowski would like to look at it next month, he said we have no rush on this language. He also said in his experience we are doing find with the language we have.

Schworm said they might want to look at changing the 200-foot maximum deck coverage to 300-foot maximum deck coverage.

Next month they will discuss Section 15.4 and waterside decks.

**9. PUBLIC HEARING:**

**ZOA #18-05:** Request from AWM ENTERPRISES, LLC (Andy McQuillan & Mark Clark, Esq.) to review the attached documents containing the proposed language additions to the GREEN LAKE TOWNSHIP ZONING ORDINANCE with respect to CLASS A MARIHUANA GROWERS FACILITY, as defined in the Medical Marihuana Facilities Licensing Act, and AS A SPECIAL USE IN THE COMMERCIAL DISTRICT

McElyea reviewed that the Planning Commission did previously approve Class A, B and C Growers in the Commercial District and the Township Board did not approve it. AWM Enterprises has asked the PC to consider approving only Class A growers in the Commercial District.

Jackowski said he doesn’t think Sullivan Road is the right spot for a Growing Facility.

McDonald said the Township Board’s concern with a Growing Establishment in the Commercial District is the odor.

McElyea said if the Ordinance Amendment is passed then they will have another opportunity to deal with odor, lighting etc. with the special site plan review process.

McDonald said the Police Power Ordinance addresses odor.

Jackowski said if the Township Board has taken a stand why are we looking at this.

Mark Clark, Attorney for Andy McQuillan, said Andy has been growing at this site as a caregiver. The Board concluded that the State Law won’t allow this amendment. The Board may have changed their thoughts on what the State Law would approve. At the Township Board level, they are prepared to see this amendment again.

Mouser wants to hear from the Township Board why they turned it down and if the interpretation was incorrect. He also doesn’t like to pick just Class A growers to grow in the Industrial District. He thinks they should decide either to allow or not allow growing in this District.

Kopriva said if they allow Industrial Uses in the Commercial District they can allow Growers in the Commercial District.

Mouser said if it wasn’t a misinterpretation of the Law and the Township Board made a valid decision then for us to throw it right pack to the Township Board seems to be redundant. Kopriva said the Amendment was only approved 4 to 3.

McDonald said they could send it up with approval or send it up for a straw poll and some guidance. Mouser doesn’t have a problem sending it back as first approved. Kopriva said they should just make a decision on it if it meets with our Ordinance and Master Plan and makes sense for the Township. Kopriva said she thinks it should be for all three Classes and it should include the 500-foot setback for any outdoor growing in the Commercial District.

Open the Public Hearing by Kopriva at 8:24 pm.

Close the Public Hearing by Kopriva at 8:24 pm.

Motion by Schworm second by Marshall to recommend approval of ZOA #18-05 to the Township Board with the changes discussed. Allow Class A, B and C Growers in the Commercial District and to require them to have a 500-foot setback from all residentially used or zoned properties where outdoor growing takes place. Passed by a vote of 6-1.

1. **CORRESPONDENCE:** None.
2. **ACTION ON SITE PLAN REVIEW:** None.
3. **SECOND PUBLIC COMMENT:** None.
4. **DISCUSSION:** Next month’s meeting will include Gate Way Overlay, ZBA Language, decks, lake setbacks, ICA, policy to schedule Public Hearings and protocol when asking for action from the Zoning Administrator.
5. **ADJOURNMENT:** Meeting adjourned by Kopriva at 8:29 pm.

GERRY JACKOWSKI, 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.