

**Minutes from the
Almira Township Planning Commission Meeting
May 01, 2018
6:00 p.m.**

Call to Order: Chairperson Ratajczak called the meeting to order at 6:04 p.m. at Almira Township Fire and EMS Facility.

Members Present were: Bill Ballard, Vince Edwards, Don Ellis, Duane Newman, Ryan Ratajczak, Lori Florip and Roger Williams.

Members Absent were: Simon Wolf.

Additions/Deletions to Agenda: None.

Approval of Agenda: Motion by Ratajczak, supported by Ellis, to approve the agenda as amended. All ayes, motion passed.

Approval of Minutes: Motion by Edwards, supported by Ballard, to approve the minutes of April 03, 2018 as presented. All ayes, motion passed.

Brief Public Comment: None.

Zoning Administrator: Williams provided a written report via e-mail. April 2nd, an application came in during the snowstorm for a short term rental. Williams asked if the Planning Commission would consider a special meeting in May to review the site plan. Williams would appreciate a special meeting once he receives the site plan.

Township Board Representative: Talked about Disc Golf being approved. Sunset Dr. and Sunrise Dr. will be paved sometime this summer.

Zoning Board of Appeals Representative: None.

Intergovernmental Representative: No meeting.

Benzie County Planning Commission Representative: There will be a meeting Thursday, May 3rd. Today there was a US 31 Corridor meeting. They invited different governmental entities from each township. The state allocated money in 2020 for Benzonia to 115. They need a plan and logistics in place for grant money. The next topics for discussion are sanitary sewer situations, Cold Creek issues and E. Coli in Crystal Lake. Open to public at 6 p.m. at the Beulah Governmental Building.

Conflict(s) of Interest: Lori Florip feels she is too close to the property and recuses herself from the Public Hearing discussions as well as deliberations regarding the Application for rezoning.

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Guests: Multiple in attendance.

Motion by Ratajczak, supported by Edwards, to close the Regular Planning Commission meeting at 6:10 p.m. All ayes, motion passed.

Motion by Ratajczak, supported by Edwards, to open the Public Hearing at 6:10 p.m. All ayes, motion passed.

Public Hearing - Application for Zoning Amendment: Representative Dawn Campeau, 18785 Barber Road, presented a petition signed by concerned property owners to the Planning Commission and would like it put into the minutes.

See attached petition:

We are in opposition. Our main concern is that your decision will impact zoning in the future. We would like the signed petition to go to the Board. Is this acceptable practice in Almira Township to allow spot zoning? Does it go against the Master Plan?

Ratajczak - At the April 3rd meeting, action was taken by the planning commission to accept the application to rezone this property from R1 to Forest Recreation. Two parcels are being considered and have been combined.

Kerns - Let the application speak for itself but we are happy to answer questions.

Ratajczak - Gave a density difference explanation between R1 and Forest Recreation and their permitted uses and special uses.

A guest asked exactly where this property is. Ratajczak clarified that it is near the intersection of Barber and Reynolds Rd, specifically rezoning the property from R1 to Forest Recreation.

If anyone would like more information or to look at ordinances, they are available online and at the Township.

Public Comment - If you were to change zoning, does it make it feasible for the rest of the lake to do the same? *Yes it can happen.*

Public Comment - Does the ordinance allow for spot zoning? *We will go through the criteria and take the public into consideration. We will deliberate on 13.01 part B, 10 findings of fact with well thought out deliberations.*

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Public Comment - When you buy a piece of property, you expect it to remain the same to protect you so the property value stays the same. *The zoning and Master Plans are in place. We recently updated our Master Plan. It does speak to keeping our community in a way residents prefer.*

Chuck Cape, 6962 N. Reynolds Rd: Does zoning comply with the New Master Plan? *Yes it does.* If this is spot zoned, does it make it acceptable? Can changing this one set a precedence for allowing other lake properties to be rezoned? *Williams - Anything like that is possible. If this was rezoned, it's not likely for that to happen. The whole issue of spot zoning can be deliberated and explained during the actual hearing so we should move on.*

John Norton, 18563 Barber Rd, addressed that he is not in favor of rezoning from R1 to Forest Recreation at this time via memo.

Kerns - asked for Ratajczak to read the petition in opposition to the application for rezoning. He read it. It is signed by 26 individuals, with the majority being on Barber Rd., N. Reynolds Rd and Hawkes Rd.

Dawn Campeau, 18785 Barber Rd, expressed their biggest concern being spot zoning and possibility of it setting a precedence anywhere.

Motion by Ratajczak, supported by Edwards to close the Public Hearing at 6:34 p.m. All ayes, motion passed.

Motion by Ratajczak, supported by Edwards to open Deliberations for the Application Rezoning R1 to Forest Recreation at 6:34 p.m. All ayes, motion passed.

Section 13.01 Amendment to this Ordinance

B. When Considering a proposed zoning ordinance amendment, the township Planning Commission shall consider the following applicable factors:

Memo from Zoning Administrator. It includes deliberations 13.01 Part B. All of us have been involved in Findings of Fact in the past. If anyone on the board needs clarification, please speak up.

1. Is the proposed amendment reasonably consistent with surrounding uses?

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Surrounding uses are both R1 and Forest Recreation. Edwards - the lake itself has some similarities. Ratajczak - specific to other uses in that general area. Attorney - What you have to decide is whether uses that could be put on the parcel zoned Forest Recreation are sitting amongst R1 properties consistent? Are they compatible with one another? You folks know better what uses are around here. Compare the list of things that can be done with Forest Recreation and see if it is consistent with what could be done. Ratajczak - Compared uses in FR1 and Forest Recreation. There are a lot of similarities. The only differences are when you get into special uses - private resorts/clubs and private camps appear only in Forest Recreation. Differences certainly could change low density to this area to a higher density. Edwards - if rezoned, it enables anyone to do what they want to do. Attorney - the next owners are only bound by the ordinance. How many of these points need to be approved for this to pass? 50%? Not applicable or it's a balancing test. The procedure tonight is ultimately helping the Township Board to make the final call. Give reasons for what you took into consideration. Ratajczak - From a more global aspect, Forest Recreation would be reasonably consistent since it's across the lake, not consistent to the next door neighbor. Kerns - Clarifying if everyone had a copy of the application in front of them. *Yes we do.* Edwards - from my perspective, I believe everyone should be heard. In favor of listening to their reasons. Ratajczak - In regards to the applicant, one of the points to consider is there is a large camp and resort. More than half the lake is zoned Forest Recreation.

Roll Call Vote: Ballard - Agree; Edwards - Agree; Ellis - Agree; Newman - Agree; Ratajczak - Agree

2. Will the proposed amendment cause an unreasonably adverse physical impact on surrounding properties?

Newman - From the number of public that signed the petition they certainly feel so and I would agree. Ratajczak - I read through some uses under Forest Recreation. An example would be a gravel pit where a single family dwelling would not.

Roll Call Vote: Ballard - Agree; Edwards - Agree; Ellis - Agree; Newman - Agree; Ratajczak - Agree

3. Will the proposed amendment cause an unreasonably adverse effect on property values in the adjacent area?

Ellis - I think it could have effect on property values. Ratajczak - With anything, potentially anything could have an adverse effect. Barb Cape, 6962 N. Reynolds Rd - I'm seeing 7 dwellings on the plan. Ratajczak - You have to remember they have to go through another Public Hearing

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to have a special use permit to build a resort or club. Just because something is rezoned, they still have to conform. That plan may or may not conform. They could come back and say they are just going to put in a single family dwelling. Barb Cape, 6962 N. Reynolds Rd - But it's allowable to put in a resort? Ratajczak - Not necessarily. The application has to conform. Chuck Cape, 6962 N. Reynolds Rd - Point of order, allowing the discussion to get into what the actual plan is. Ratajczak - It's hard to not do that. Chuck Cape - The attorney nailed it when he said if sold the new owners can do something else. Ratajczak - We have zoning ordinances to protect the Township. Back to number 3.

Roll Call Vote: Ballard - Disagree; Edwards - Disagree; Ellis - Disagree; Newman - Agree - I think it will affect it but don't know about adversely. Ratajczak - Disagree

4. Have there been changes in land use or other conditions in the immediate area or in the township in general which justify the proposed amendment?

Roll Call Vote: Ballard - Disagree; Edwards - Disagree; Ellis - Disagree; Newman - Disagree; Ratajczak - Disagree

5. Will the proposed amendment create an unreasonable deterrent to the improvement or development of adjacent property in accord with existing regulations?

Newman - That would be like if neighboring property was for sale, would people not want to buy it. Ratajczak - If rezoned to Forest Recreation, would it deter anybody from making changes. Newman - I can see future buyers questioning the zoning. Edwards - Or some that want to rezone. Bruce Merrill, 18701 Barber Rd - I live next to Paradise Hollow and the question I hear most is "What's it like living next door to that resort?" It immediately comes into the market value of the home. My response is that I get to see the best of people on vacation. I also see intense multiple generations. It's a family unit that fits. It was grandfathered in as R1. The Youth Camp is horrible to some. To us, we love the music. You will get the question "What do you have next door"? Ratajczak - Would change effect that property? Chuck Cape, 6962 N. Reynolds Rd - I live on the East end and have 495 feet of frontage and house for sale. The Realtor started out asking for usage and if the camp was noisy. People are asking. There are no big motors or jet skies. It's a very pleasant way of life.

Roll Call Vote: Ballard - No; Edwards - No; Ellis - No; Newman - No; Ratajczak - No

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6. Will the proposed amendment grant a special privilege to an individual property owner when contrasted with other property owners in the area of the general public (i.e. will rezoning result in spot zoning)?

Roll Call Vote: Ballard - Yes; Edwards - Yes; Ellis - Yes; Newman - Yes; Ratajczak - Yes

7. Are there substantial reasons why the property cannot be used in accordance with its present zoning classifications or under the current use regulations?

Roll Call Vote: Ballard - Yes; Edwards - No; Ellis - Yes; Newman - No; Ratajczak - No

8. Is the proposed amendment in conflict with the planned use for the property as reflected in the master plan?

Williams - The Master Plan plans for this property for long term to be R1. Kerns - The application is in support of that. All data shows it is exactly in favor. Ratajczak read the application. Williams - It may not specifically say R1 but it says low density.

Roll Call Vote: Ballard - Yes; Edwards - Yes; Ellis - Yes; Newman - Yes; Ratajczak - Yes

9. Is the site served by adequate public facilities or is the petitioner able to provide them?

Roll Call Vote: Ballard - Yes; Edwards - Yes; Ellis - Yes; Newman - Yes; Ratajczak - Yes

10. Are the sites nearby already properly zoned that can be used for the intended purposes?

Newman questioned what part of the map was zoned. Kerns - Chucks property is for sale and his is zoned Forest Recreation. Chuck Cape - We are R1. Florip - Your property is zoned Forest Recreation.

Roll Call Vote: Ballard - Yes; Edwards - Yes; Ellis - Yes; Newman - Yes; Ratajczak - Yes

We have concluded the deliberation of Findings of Fact. At this point in time we will collect our thoughts. Is there any additional information we need?

Ratajczak went through the votes. Any other deliberations? Do we need to adjourn a case? Roger did we cover everything? Williams - Yes I think so. What you are doing is making a recommendation to the Board. Newman - Number 4, 6, 7 and 8 are significant. Ratajczak - We seem to go around number 6. Newman - I think the property can still be used. Ratajczak - Certainly it can be used. It may not be able to be used in the way it's proposed. The biggest

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contentions are spot zoning and not in accordance with the Master Plan. It's important to maintain areas everyone intended for them to be. This is a very interesting situation where half the lake is Forest Recreation. If all these property owners came and said there was no detriment to rezoning. Edwards - Roger could you clarify how many homes could be built if it stays R1. Williams - They could have two dwellings if properties stay together. If split, 4 dwellings could be there. Kerns - Could you define spot zoning? Ratajczak - I think this application is the definition of spot zoning. I think the attorney and zoning administrator would agree.

Motion by Ratajczak, supported by Edwards, to recommend denial of application to the Township Board for rezoning R1 to Forest Recreation. All in favor, motion passed.

Edwards - Ratajczak please clarify the decision to the public. Ratajczak - The Planning Commission does not recommend the approval of the application based on the criteria deliberated on in Article 13.01 Part B. Based on the input from the public and substance of the application it is deemed not sound enough to be recommended. Williams - Action goes to the County Planning Commission (30 days) then goes to the Township Board. It could happen yet this month. They can hold an additional Public Hearing if they want. They will change the zoning on the map. Edwards - The Board has the ultimate decision? Yes.

Motion by Ratajczak, supported by Edwards, to close out deliberations and open up the regular meeting at 7:40 p.m. All ayes, motion passed.

Old Business:

A. Solar "Plant" Zoning Review: This has been on here a couple months now. Heritage Sustainable Energy is trying to get into Green Lake right now. Up until recently, most has been residential. The last 6 months there has been more interest in this for 10, 20 and 50 acres of solar panels. It would be in the Townships best interest to have something in the ordinance about this. Ellis and Wolf have been working on this project. They will continue to work with ZA Williams to get something to us for the June Meeting.

Edwards - I've talked about Recreational Ag/Ag Tourism. A lot of Townships allow for growing apples to sell cider. Leelanau will allow people to buy land for having weddings. A lot of people want to be up here. Would it make sense for us to have something in the ordinance for this purpose? A Barn to Wedding venue. Edwards will look at what Cobblestone offers.

New Business:

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A. Review Article IV - Sign Ordinances: Williams has information and it looks like there may be discrepancies. In the ordinance 4.18 there are two different sign sizes. He wondered if the Planning Commission had any rationale for this. Ratajczak clarified. Planning Commission will maybe re-write or revise as it doesn't read fluidly.

Extended Public Comment: None.

Commissioner Comments: Edwards - I learned another thing. Benzonia has opted in for Marijuana. Plan on putting it in the Industrial Park. There's a company that makes fishing lures and a cement company that have both approached them. It costs \$50,000 - \$60,000 to go through permitting the property. I'm not saying we ought to change our stance but see what the state does. Think as a Township whether we should opt in or stay opted out. Good meeting tonight.

Chair Comments: Ratajczak thanked everyone for attending.

Adjourn: 8:10 p.m.

Megan Chorley
Recording Secretary