

**Elk Rapids Township Planning Commission
Meeting Minutes – Tuesday, April 15, 2014**

The meeting of the Elk Rapids Township Planning Commission was called to order by the Chairman Shen Smith at 6:30 pm at the Government Center, 315 Bridge Street, Elk Rapids, MI 49629.

Present: Shen Smith, Renee Mischel, Pug Sliger, William Larson, Jim Lundy, Dorance Amos

Absent: Jean Derenzy

Present Township Staff: Len Harrett, Zoning Administrator and Larry Nix Williams & Works – Planing Consultant

Public Attendance: Rick Pulaski – Nederveld (Property planner for Donald Hayden/property owner)
Dale Hull, Pat Brady, (Elk Rapids Twp) Ray Easton, (resident of Mattes Dr.)
Heidi Schaffer (Antrim Cty Soil & Erosion Officer)

Adoption of Agenda:
M/S – Lundy / Sliger: Agenda for April 15, 2014 meeting adopted by the board unanimously.

Approval of Minutes:
M/S – Lundy /Sliger: Minutes for the January 21, 2014 meeting were approved by the board unanimously.

Public Forum: None

Zoning Administrator’s Report:

Len Harrett submitted information on the Lake View, Parcel Tax I.D 05-06-033-002-50 in Section 33, T22N R9W Elk Rapids Township, MI, property owner, Donald Hayden, Jr. for a proposed-site condominium development on a portion of a 47 acre parcel located on Orchard Lane, Williamsburg, MI.

Rick Pulaski an engineer with Nederveld presented an informal sketch plan to the Planning Commission on behalf of the property owner, Donald Hayden, Jr. who was not present.

This project has been in the design stages for approximately 1.5 years.

Although the whole 47 acre parcel is intended to become buildable lots, the plan focused on the land north of Orchard Drive.

The following Chapters regulate the review and approval of this plan:

Chapters 2.18 – Land Division and Condominium Development

Chapter 2.19 – Private Road Regulation

Chapter 2.21 – Open Space Development

Chapter 17 – Site Plan Review – this meeting is per Chapter 17.03 – Sketch Plan.

The blueprints that were submitted accurately show: Orchard Drive, a new proposed N/S road, (10) proposed lots, topography, and 14+ acres of proposed permanent Open Space.

The remainder of the blueprint was artistry to help clarify the intent of the plan. Mr. Harrett asked members to disregard this as it is not currently part of the plan....simply for looks at this presentation.

The engineers need to fine-tune the plan so that they can submit complete and accurate formal plans.

Elements of the plan that Planning Commission members inquired about were:

Vegetation / Plantings, signage, lighting, drainage, utilities, road maintenance, phasing of the road construction, excavation and adequacy of drainage and retention basins, building restrictions (if any), unique Condo Association by-laws, possible uses of the Open Space, and anything else that may impact the development of Elk Rapids Township per Section 1.02.

Another consideration that was discussed is the cost to the Township to review this. Altogether, the cost of professional reviews by Larry Nix, Bill Derman, and possibly Antrim Soil Erosion, may amount to \$5000. Professional engineering to verify the road construction compliance (Sec 2.19 B) will be paid by the developer.

Mr. Harret has spoken with the Township Treasurer regarding this matter and he is willing to set up an Escrow Account for this plan.

Chairman Shen Smith asked if any of the members had any concerns about this plan:

At this point, Rick Pulaski, of Nederveld began his presentation. He indicated that this property has been in the Hayden family for approximately 30 years. He showed an arial view of the property and the other roads that border the property. (Mattes, Hanel, Shore and Clearwater). Focusing on the north side of Orchard Dr. There is an easment off of the North end of Mattes Dr. that was not platted. Residents of this road and Mr. Hayden have access to the easement. Mr. Pulaski indicated that Orchard Dr. will be widened 2 feet. This property is zoned R1 and Ag. They are proposing an open space development plan due to a ridge on the property that will provide nice views for the property owners. They are proposing to develop a 10 lot, private road cul-de-sac, site condiminiums. This will have by-laws, an association, with dues, etc. (approximately 2 acres each) positioned on the highest point of the property. Due to the Ag portion of the property, they will give ½ of the property (appox 14 acres) as dedicated open space. They are working with Heidi Schaffer of Soil and Erosion for storm water management. Chairman Smith asked about a storm water management plan to go over. Mr. Pulaski indicated that they are still working on one and will provide it when it available.

Chairman Smith asked about the 4 parcels on the North end of Mattes Dr. Mr. Pulaski indicates that Mr. Hayden owns the property and ultimately does have access to the easement. Chairman Smith was concerned about the splitting of lots in the future and that it was showed in the master deed and by-laws. She would like to see this at the next meeting. Mr. Pulaski indicated that part of the by-laws will be that no one will be able to split their property; this will be a 10 lot, original size lot, site condimiumn to eternity.

Chairman Smith is concerned about the barren wasteland look of the road along Orchard Dr. and would like to see a landscaped plan and hoped it is dressed up.

Renee Mischel asks if there will be any restrictions of use in the "Open Space". Mr. Pulaski indicates that they want to leave it as open space that's accessable for the site condiminium owners for "passive recreation"....no football fields, etc. Possibly allowing individual garden lots for the owners to utilize. Mischel just wants to be sure there will be documentation (master deed/by laws). They were assured it would be.

Mischel also asks Nix or Harrett to explain the incorporation of the Ag-R1 into one project. How do they go about approving that? Nix explains that this will not create a problem because the proposal applies only to the Ag district.

Sliger, questioning why the site condo is not required to meet the width in the zoning area of the Ag (200 ft width continual) Harrett responds that the open space provisions enable shrinkage to up to 50%. By donating that 14 acres and setting it permanently aside to keep the rural charater within the township, the board should be happy because there is open space and a subdivision. It will be managable for up keep and giving the township perpetual open space, but in trade they will need to make narrower lots than what the Ag zone would require.

Amos compliments Pulaski/Nederveld on the plan, well thought out.

Larson, questions whether there is any proposed vegetation, trees or shrubby planned along Mattes Rd. He was informed there is not.

Chairman Smith questions the Escrow Account and how it's handled. The Planning Commission can make it a condition that needs to be fulfilled before the formal review and will verify that the material that has been submitted is complete. The Township Treasurer is prepared to administer the account. Nix explains the ordinance to the board and recommends it be done. After some discussion, it was decided that \$6000.00 should be placed into an escrow account.

Chairman Smith entertains a motion to establish an escrow fund to cover the expenses for professional planner, legal team, an engineer for the interest of the township, and the Antrim County soil and erosion reviews:

M/S -Mischel / Larson Motion to setup an Escrow account for the Lakeview/Hayden development was unanimously approved.

Chairman Smith asks Harrett to let the Township Treasurer know that the vote was approved to set up the account and the funds should be deposited along with the submissions of the plans/master deeds. (possibly June or July)

Chairman Smith lets Pulaski know that the summer months are extremely busy for the board members and to let them know as soon as possible when they will be submitting their request.

Mishcel asks Larry Nix and Len Harrett to put together a wish list of requests to the developer. Larry Nix indicates that over the next 4-5 weeks when the rest of the material comes in, there will be items that will be reviewed and the issues will be addressed at that time. Smith indicates that Jean Derenzy has some comments, and she was directed to get with Larry Nix or Len Harrett with her concerns.

At this time, Heidi Schaffer, Soil and Erosion, was asked about any questions or concerns. She is excited about a landscape architect helping with the plan. That the plans won't impact the neighbors to the east and feels this is a good plan so far and that they are maximizing what they have to work with.

Old Business

Public Hearing #1: Amendment # 2014-01

- Part 1. Amend Section 2.11-A No permanent groin wall – delete in entirety
- Part 2. Amend Section 2.11-B – Man-made extensions from shoreline – delete in entirety
- Part 3. Re-identify Sections 2.11-C and D to become Section 2.11-A and B

M/S - Lundy/Amos : To open the public hearing

No Public letters or comments.

M/S - Smith/Lundy: To approve the amendment.

Roll Call: Unanimously approved by all attending members.

Public Hearing #2: Amendment # 2014-02

Home Occupation: An Ordinance to amend Section 1.03 definitions and section 2.12 Home Occupations of the Elk Rapids Township Zoning Ordinance, related to Home Occupations.

Section 1. Amendment of Section 1.03 Definitions. The existing definition of the term Home Occupation is hereby amended in its entirety as follows:

Home Occupation: Any occupation, profession or activity carried out for gain from a residential property that is clearly subordinate and incidental to the residential nature of the property.

Section 2. Amendment of Section 2.12 Home Occupation. Section 2.12 is hereby amended in its entirety as follows:

Section 2.12 Home Occupations

A home occupation may be permitted in a dwelling unit, provided that:

- a. The owner of the property shall reside at the dwelling of the home occupation;
- b. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the gross floor area of the dwelling unit shall be used in the conduct of the home occupation;
- c. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding one (1) square foot in area, non-illuminated, and mounted flat against the wall of the principal building.
- d. No home occupation shall be conducted in any accessory building;
- e. There shall be no sale of goods on the premises in connection with such home occupation, with the exception of ancillary products sold associated with the home occupation. For example, shampoo sold by a beautician.
- f. Parking generated by the conduct of such home occupation shall only be permitted in the driveway of the dwelling.
- g. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot.

M/S – Lundy/Mischel To open public hearing
Motion approved and carried unanimously

Public Comments: None

M/S – Lundy/Mishcel To close public hearing
Motion approved and carried unanimously

M/S – Mischel/Lundy To open disucssion of Amendment #2014-02

Discussion: Lundy indicates he doesn't recall approving the parking in the driveway only. Nix lets them know that the Ordinance is clear, parking should be in the driveway only, as opposed to yard or street, if there is a problem, the zoning administrator can refer to the ordinance if needed.

Lundy also has an issue with the Accessory building section. There was discussion and clarification that these ordinances are being put in to place to "prevent a problem" as opposed to "fixing a current problem"

Nix asks Planning Commission, is there anything anyone would like to change before it is submitted to the Board.

Chairman Smith indicates that possibly removing the (F.) parking. Lundy indicates that he could pass the parking section, but not the Accessory Building.

Chairman Smith asks for a roll call vote:

Mischel – Y, Smith – Y, Lundy – N, Sliger – N, Amos – N, Larson – Y

Motion – Tie vote

Amendment # 2014-02 The Amendment will now go to the Township Board with no recommendation from the Planning Commission.

New Business: None

Correspondence: Correspondence was received from the White Water Township Planning Commission informing the Elk Rapids Township Planning Commission of a notice of intent to prepare a Township Master Plan.
Harrett suggests that the Planning Commission indicate to White Water Township that they take into consideration any abutting properties. For instance, if they decide to put a commercial district next to one of our residential districts, to please be aware that all the abutting Elk Rapids Township land is zoned agricultural and hopefully they will take that into consideration when they do their future land use map.
It was decided that Mr. Harrett would write a letter to White Water Township with that information.

Public Comments: Thanks to Len Harrett for copies of the new By-Laws

Member comments: None

Adjourn: M/S – Amos/Lundy Unanimously approved 8:17pm