

**Elk Rapids Township Planning Commission
Amended & Approved –
Minutes For Tuesday July 15, 2014**

The meeting of the Elk Rapids Township Planning Commission was called to order by the Chairman Shen Smith at 7:00 PM at the Government Center, 315 Bridge Street, Elk Rapids MI 49629

Present: Shen Smith, Jim Lundy, Bill Larson, Jean Derenzy, Renee Mischel, Dorance Amos, Pug Sliger

Absent: None

Others present: Len Harrett - Zoning Administrator, Larry Nix, Williams & Works - Planning Consultant, William Derman – Attorney and 27 other people, 22 of whom signed in.

Adoption of Agenda:

M/S – Lundy/Mischel Agenda for the July 15, 2014 meeting unanimously adopted by the board.

Approval of Minutes:

M/S – Lundy/Larson Minutes for the June 17, 2014 meeting were unanimously approved by the board.

Public Forum: None

Zoning Administrator's Report:

Lake View Project:

There has been no communication from the development firm related to the Lake View Project as of now. Chairman Smith questioned Len Harrett about the possibility of the necessity of a Planning Commission meeting in August, and what would be the latest the Board could be informed of a meeting. She was told that Friday July 18th is the deadline for getting the necessary paperwork turned in for the August meeting.

PHI Special Use Permit

Mr. Hull has been in contact with Len Harrett, questioning exactly what the Planning Commission is looking for as far as information/details. Harrett feels Mr. Hull understands the specifics as to what might be scheduled at this group retreat and what might not be scheduled. He has brought information today to ask if he can present more specifics or not. (although he was informed prior, that this was not on the agenda for this meeting).

Public Hearing:

M/S – Lundy/Mischel Opening of the public hearing: Unanimously approved

Chairman Smith requested Len Harrett read a letter received from Mr. and Mrs. Richard Pixley. (See Attached). Chairman Smith asks Dale Hull if he has anything to say. He let the Board know that he only wants to tell them what they are prepared to listen to in this meeting. Hull told of his history and qualifications and what brought him to this area. After some information, there was a request by other people in the audience that his story be stopped (what did this have to do with anything?) Mr. Hull was asked to shorten his story. He is the new President /CEO of the Pine Hollow Institute, a non profit organization being scrutinized to be recognized as a 501C3 status with the IRS. He has applied for a change of status of the R-3 zoning to R-1 specifically so they can be eligible under the current interpretation of Chapter 17-706 which requires at least 7 acres of property . He wants to make it known what PHI intends to do and what it does not intend to do. Chairman Smith told him that would be a part of the Special Use Permit, and that they would need that in writing. Hull indicates he has this in writing and will submit it. Smith told him, not at this meeting. He can present it after the public hearing.

Chairman Smith asks the audience for their comments and to please stick with the Re-zoning request only, as this meeting is not for the Special Use Permit.

Next, Joe Fisher spoke on behalf of Jessica Hatch. He told of his representation of Leonard Herman who bought the property and came before the Board to have it rezoned to R-3, and how the public was against his multifamily Condo proposal and the eventual discontinuation of his request and sale the property. He requested that when the Planning Commission was making a ruling on the change of the R-3 to R-1 ruling, to do so on the basis of sound zoning principals. Fisher spoke of a conversation that he had with Larry Nix and quoted him as saying that from a zoning principal, it should all be R-1 because all of the property running along the bay to the south ,there are other parcels that are also zoned R-3.

Next, Richard Pixley spoke, reiterating the points on his letter along with other comments.

Mr. Hull says that the reason he was here is because he was told it would be necessary for all the property to be zoned R-1. The application is contingent on the approval of the original request for the Special Use Permit. Smith told him, the Planning Commission is not allowed by law to enter into contractual zoning. You made a request that makes a contract. The Planning Commission is not allowed, by law, to hold off on approving the zoning contingent upon the special use permit. It is either rezoned or not. It would have nothing to do with the special use permit.

Hull indicates that if this is the case, he will remove the contingency. He asks the Planning Commission to rezone the property from R-3 to R-1.

Chairman Smith asks Bill Derman if they need something in writing for him to retract his application? Yes, he could cross out the language and initial it. Mr. Hull is asked to handle that with Len Harrett right then. The meeting is placed on a 5 minute break while the application is amended. (see attached)

The application is now amended and meeting continues with a request for any additional public comments. As there were no additional public comments Larry Nix was asked to discuss his memorandum.

Williams and Works provides the following positive recommendation:

As the zoning of R-3 to R-1 request is consistent with the area the request should be approved for 4 reasons:

1. The rezoning will eliminate the current situation of split zoning on those parcels.
2. The request rezoning is consistent with the Townships Master Plan, future land use for the subject property to the extent the plan suggests that the rural preservation of the community be championed.
3. The proposed rezoning would not be incompatible with the parkland to the North and the village of Elk Rapids.
4. The requested R-1 is consistent with the use of land in the area.

At this point, Chairman Smith tells of coming across all of the paperwork and letters regarding the Herman development, particularly requests from the Juniper Hills subdivision requesting their land be re-zoned to R-1. They were all upset with the idea of Condos and apartments being built on the R-3 property and they wanted to take the steps to rezone all the Juniper Hills R-3 and all of the Herman property to R-1, to stop any future condominium development that could utilize the lakeshore and to funnel into the lake. This happened in the early 90's, and Mr. Herman folded on the project. It became a single family home. The PC at that time was going to undertake an overall total rezone of all of that the R-3, minus the small apartment on US31. It was put on hold because it became an R-1 home.

Chairman Smith discussed this with Bill White (Township Supervisor and Tax Assessor) for some guidance. The PC has for years talked about rezoning all the R-3 to R-1. The neighbors in that area are under the misassumption that if rezoned to R-1, it would be an automatic stamp of approval for a corporate retreat. It must be realized that these are two separate items. Based on what has happened with this property in the past, Chairman Smith's personal opinion is that in order to protect the township, all of the property should be re-zoned to R-1 and be done with it.

The PC needs to re-identify where would be the best place to R-3 in the township. She referred to Ms. Lee's 20 acres that back up to Lamoreaux as a possibility. That would connect to sewer. Or a parcel on Cairn Hwy that would connect to sewer that would support R-2 and R-3 development. This is for future discussion. Just informing the public that the decision that is made this evening is not a pre-cursor to approving the Pine Hollow Project.

Bill Derman spoke of discussing this with Larry Nix. As the current discussion is to potentially convert 40-45% of the R-3, that leaves all of the Juniper Hills property still R-3. Why not back up and do a public hearing and zone it all R-1 at one time. He suggests refunding Mr. Hull his application fee and have a public hearing to rezone all to R-1. Smith indicates that this was also a suggestion from Bill White.

Renee Mischel, wonders how did the property become R-3 in the first place? She was told of the previous Pine Hollow Resort as it was a Motel. At that time the PC took into consideration this was a motel area. It has changed over the years. She also questioned some of the wording in Mr. Pixleys letter. It was explained to her satisfaction.

After several discussions regarding the Herman project, rezoning, other properties and their future possibilities, the public hearing was closed.

M/S – Lundy/Amos Unanimously approved

Larry Nix now indicates the two key issues presented to the Board:

1. Public hearing at hand to rezone the R-3 portion of Pine Hollow to R-1
2. Drop the re-zoning as Bill Derman has suggested and the Planning Commission initiate on their own, the rezoning of Pine Hollow and all of the R-3 property south of Pine Hollow (with the exception of the apartment building that is there on US31) from R-3 to R-1. Look at the bigger picture, take no action at this time, refund the money to PHI, initiate a rezoning application of all the R-3 by S.Bayshore to R-1.

Amos, feels it makes sense. Michel, agrees, Lundy, agrees, Sliger, agree, Derenzy, Agrees, Larson, agrees.

After discussion from Larry Nix and Bill Derman, it was decided to allow Mr. Hull to withdraw his application altogether.

Mr. Hull has requested of the planning commission to withdraw his application, it was accepted, and his application will be refunded.

A public hearing was then set for August 26th at 7pm.

M/S – Mischel/Lundy

A motion for a public hearing on August 26th at 7pm rezoning the Juniper Hills R-3, all R-3 lots, and the Leslie Lee R-3 and her Juniper Hills R-3 property to R-1; leaving the apartment at the top of the hill as R-3. Unanimously approved.

Old Business: After some discussion by the Board, it was decided the issue of the Home Occupation should be dropped.

New Business: None

Correspondence: None

Public Comments:

Mr. Pixley asked about the next time the issue of the PHI will come back to the Board. He was informed it will be posted on the website. Chairman Smith lets the public know that if any of them wants to know when the PHI becomes untabled for reconsideration to give her their email address and she will let them know when she posts the agenda. It was also suggested that he keep in touch with Len Harrett.

Mr. Pixley also questioned the process of the Re-zoning request. The question was answered. Two other comments were also given.

Member comments: None

M/S – Lundy/Mischel Meeting adjourned at 8:25pm