

Elk Rapids Township Planning Commission
-Meeting Minutes – Tuesday October 21, 2014

The meeting of the Elk Rapids Township Planning Commission was called to order by the Chairman, Shen Smith at 6:27 PM at the Government Center, 315 Bridge St. Elk Rapids MI 49629

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

Absent: Jean Derenzy

Others Present: Len Harrett – Zoning Administrator, William Derman – Attorney
Larry Nix – Consultant, Williams & Works & 8 other people

Adoption of Agenda: Agenda for the October 21, 2014 meeting unanimously adopted by the commission.
M/S - Mischel / Amos

Approval of Minutes: Minutes for the August 26, 2014 meeting unanimously adopted by the commission,
M/S - Lundy / Amos

Public Forum: None

Zoning Administrator Report: Mr. Harrett reported the status and updates on **Hayden-Lakeview Project**. They are hoping to do a land division of the property on the south side of Orchard Dr. They were informed that the current roads will only support the properties that are there. The roads must be improved, made wider, etc. according to the ordinance. Then Mr. Harrett received correspondence from the engineer indicating that they would like to begin road work this year so that things will go quicker next year. They were reminded of Sec 2.19-B indicating this has to be done to certain standards. Need to be sure the blue prints are correct and that the roads are done as the blueprint specified. There has been no further correspondence since then.

Follow up on the status and updates on **PHI (Pine Hollow Institute) Special Use Permit**: Management at PHI is aware of the request for more details. Also aware that the Fire Chief is concerned about accessibility and compliance regarding emergency egress and they have not submitted anything to date.

At this point in the meeting, Chairman Smith provided an explanation of why that the Commission was redoing the Public Hearing. The Commission was unaware of changes to the Zoning Enabling Act that require the owners of property that is proposed to be rezoned, as well as all owners with property within 300 feet of the proposed rezoning, needed to receive a written notice. This step was not taken at the August meeting, so the hearing is being repeated, and all the property owners have now received this information in writing.

Public Hearing: Opening of Public Hearing unanimously approved.

M/S - Mischel/Amos

Larry Nix was asked if there were additions to the August 18th memorandum. He indicated that all of his recommendations still stand.

Chairman Smith the reviewed the public hearing notice as follows: The Elk Rapids Township Planning Commission will hold a public hearing on Tuesday October 21, 2014 at 6:30 PM at the Government Center, 315 Bridge Street, Elk Rapids, Michigan to consider the following amendments to the Elk Rapids Township Zoning Map as follows:

Amendment #2014-3 The Elk Rapids Planning Commission will consider rezoning portions of ten (10) parcels of property west of South Bayshore Drive and/or US-31 and located north of Sunset Shores Subdivision.

These properties include:

Parcel Tax I.D. #05-06-029-014-10 - at 10482 Lakeshore Road
Parcel Tax I.D. #05-06-029-013-00 – at 10468 Lakeshore Road
Parcel Tax I.D. #05-06-029-013-10 – at 10460 Lakeshore Road
Parcel Tax I.D. #05-06-450-001-10 – at 10455 Lakeshore Road
Parcel Tax I.D. #05-06-450-002-00 – at 10434 Lakeshore Road
Parcel Tax I.D. #05-06-450-003-00 – at 10424 Lakeshore Road
Parcel Tax I.D. #05-06-450-004-00 – at 10404 Lakeshore Road
Parcel Tax I.D. #05-06-450-005-00 – at 10392 Lakeshore Road
Parcel Tax I.D. #05-06-029-015-00 – at 10400 South Bayshore Drive
Parcel Tax I.D. #05-06-029-011-00 – at 10354 South Bayshore Drive

The listed properties are either partially or completely zoned for R-3 (Multi-Family Apartment) use.

The Planning Commission proposes to rezone the listed parcels to be entirely R-1 (Single-Family Residential), to eliminate the existing split-zoned condition.

Bill Derman was asked if he had any concerns. He had none.

Len Harrett was asked if there was any correspondence. There were two letters received. One was from Richard Pixley indicating he didn't feel the rezoning was necessary, but he didn't oppose the action. The second was from Tom Dame, he indicated that he supports the action.

Harrett was asked if he had any input or concerns as the Zoning Administrator regarding this rezoning. He said that the thing that hasn't been mentioned is during the course of exploring the elimination of the R3 parcels, the Planning Commission did speak about the appropriateness of the property across US31, from the boat condos, there is a 20 acre parcel that abuts the village and any apartment development would have to have water and sewer and should be rezoned R3 for future use. He mentioned this land to the County Planning Commission earlier and they felt this piece of property would make sense zoned as R3.

Chairman Smith reminded the Commission and audience that there will still be R3 in the township and asked if there was any comment from the audience on the issue?

No comments from the public.

M/S Mischell/Amos

Close the public hearing. **Unanimously approved**

**M/S
Mischell/Lundy**

To approve rezoning the 10 parcels from R13 to R31 for the reasons indicated:

1. The rezoning will eliminate the current situation of split-zoned parcels. Split zoning can be problematic and confusing for property owners.
2. The requested rezoning is consistent with the Township Master Plan’s future land use recommendation for the subject property, to the extent that 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 in the Village.
4. The requested R-1 zoning is consistent with the use of land in the area.

No discussion. Roll Call vote. All Commission members vote yes. **Unanimously approved**

Old Business: Mischel previously requested that the Consultant, Larry Nix review the “To-do List” And to come back with what he had found. A copy of his email was passed out to the members. Find it attached.

The list was put together in June of 2010. There were 5 elements that had been addressed between then and now. All had been completed or there was a determination that nothing would be done.

New Business: Election of officers

M/S Mishcel/Amos To keep the officers that are currently in place:

- Chairman: Shen Smith
- Vice Chair: Renee Mishcel
- Secretary: Jim Lundy

Board Member, Bill Larson, who is the Planning Commission representative to the ZBA would like to resign from the ZBA.

Pug Sliger was recommended for the position. He accepted the responsibility.

M/S Lundy/Amos Unanniously approved.

Bill Larson was informed that as soon as the Township Board approves the change, he will be free to leave.

Chairman Smith requests that Larry Nix do a total review of the Enabling Act and our ordinance to bring the Township in to compliance and to also create a check list of what needs to be done and when. He indicates he will go through the ordinance to see if there is anything that has or needs to be changed he will report back at the next meeting. He feels a “check list” would be appropriate for each rezoning issue.

Correspondence: None

Public Comments: Dale Hull – Pine Hollow Institute (PHI) is wondering how long the rezoning will take so he knows when his request would go in front of the Planning Commission so it could become un-tabled. He was informed that first the Commission needs to see his Business Plan and written specifications that were requested. As the next Planning Commission meeting is in January, the Planning Commission would need that material before a “Special Meeting” could be planned. Also, there would need to be a public announcement (Not required though) and a mailing to all property owners within 300 feet of PHI.

It was decided that the meeting still would possibly, most likely not be until January due to the holidays.

A member of the audience questioned all the activity at PHI. Mr. Hull indicates that there are feasibility studies taking place. They were also a part of the Traverse the Magazine Home Tour.

There was a question from the audience, directed to Mr. Hull, was he having events there and charging people? (Meaning he was doing business) Mr. Hull responded “No”. There has been activity on the grounds however. There was a comment from the audience about her concern that they are “snowbirds” and would it be possible to receive an email about the un-tabling rather than a post card? She was told to go to the website and send her email information to Len Harrett so she can be emailed.

There was a question regarding the Public Hearing. He was told the Public Hearing was closed. Will Len Harrett provide the information that Mr. Hull submits. It was decided when they see what is being submitted, it will either be on the Website, or possibly a copy of it will be available at the Township Desk for review, if they want a copy, it will be \$0.25 per page.

M/S Amos Mischell Meeting adjourned 7:22PM