

**Elk Rapids Township Planning Commission
Meeting Minutes - Tuesday, November 15, 2016**

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

Present: Renee Mischel, Emile Sabty, Dorance Amos, Pug Sliger, Gary Pepler
(*Quorum Established*)

Absent: Jim Lundy, Shen Smith

Also Present: Len Harrett, Zoning Administrator; Larry Nix, Planning Consultant;
William Derman, Attorney; and Patrick Brady.

Adoption of Agenda: Agenda for the November 15, 2016 meeting was unanimously adopted
M/S Sliger/Pepler by the Commission. **Motion Approved**

Public Comments: None.

Approval of Minutes: Minutes for the October 18, 2016 meeting was unanimously adopted
M/S Amos/Pepler by the Commission. **Motion Approved**

Zoning Administrator's Report: No report.

Madam Vice Chair Mischel addressed the Planning Commission regarding some discovered discrepancies regarding the Perry Property. (Property #2 - 11690 US 31 S, Williamsburg, MI, Tax ID#05-06-032-009-50, as noted in the October 27, 2016 Public Hearing notification). The following information was discussed.

- 1) Attorney Derman reported that it was originally thought that Charles W. Perry had owned the 93' x 112' portion of parcel noted on the Public Hearing notification. However, after researching the Perry and Nelles property deeds and comparing them to the County Tax Map, it was determined that the County Tax Map was incorrect. This portion of the parcel is actually owned by Nelles and is already zoned Commercial.
- 2) The Nelles property has a 66' easement on the south side which services the back parcels and extends all the way down to the Nowak property.
- 3) In light of this new information, Planning Consultant Larry Nix suggested that because the Planning Commission requested the public hearing, they also have the ability to make a motion to withdraw the Perry portion (Property #2) from the rezoning request.
- 4) Attorney Derman reported that the Township Assessor has been fully advised regarding this discrepancy on the County Tax Map. Further, the assessor has copies of the deeds and survey work and plans to work with Antrim County to correct this discrepancy.

Motion/S Sabty/Amos Motion to Withdrawal Property #2 – (Charles W. Perry)

Move that the Planning Commission delete from consideration the rezoning of a partial parcel 93' x 112' owned by Charles W. Perry, 11690 US 31 S as noticed. Finding that the partial parcel ownership as noticed and the County Registrar of Deeds record of ownership are not congruent.

Motion Unanimously Approved

Open Public Hearing - Property #1: Opening of Public Hearing Unanimously Approved
Motion/S Amos/Sliger

Property #1: Rezoning Initiated by the Elk Rapids Township Planning Commission for Property #1 – A parcel owned by Joseph A. Nowak, owner of Nowak Cabinets, 11744 US 31 S, Elk Rapids, MI, Tax ID # 05-06-032-014-10, currently zoned R-2 Residential. Rezone it from R-2 Residential to C – Commercial.

Township Planning Consultant Report: Mr. Larry Nix, PCP, briefly recapped the report he provided to the Planning Commission dated November 4, 2016 regarding the Planning Commission’s rezoning request for the Nowak Property located at 11744 US 31 South. Highlights of his report include the following:

- The property has been used for commercial since 1988 when the Planning Commission granted a Special Use in the R-2 Residential Zone.
- Nowak Cabinets has been operating a commercial business at this location since 2006. On October 19, 2010 the Planning Commission approved an expansion to the existing business based on the 1988 approval.
- Mr. Nowak recently submitted an application to the Planning Commission for another expansion. It was at this point the Commission decided that the zoning for this parcel needs to be changed from R-2 to Commercial. This rezoning is consistent with the Nowak business operations, is a logical extension of the property to north also zoned as Commercial, and is in line with the Township’s Master Plan.
- Mr. Nix recommended that the Planning Commission re-zone the Nowak property to Commercial for the following reasons:
 - 1) The use of the parcel at 11744 US-31 South has been used for commercial purposes since 1988.
 - 2) The use and operation is compliant with the Commercial Zone requirements of the Elk Rapids Zoning Ordinance.
 - 3) The Township Master Plan indicates that commercial uses should not be disruptive to residents and natural resources. This use has demonstrated consistency with this objective for many years.
 - 4) The Planning Commission finds that Nowak Cabinets is consistent with the Commercial uses listed in the Zoning Ordinance as it is a similar retail or service establishment which supply convenience commodities or perform services primarily for residents of surrounding the neighborhood.

Township Attorney Comments: Mr. Derman noted for the record; the owner of the Nowak property from the deed recorded in 2006 is Tracey L Nowak and Joseph A. Nowak - Trustees under the Tracey L. Nowak Living Trust - dated May 29, 2002. It was noted that the Trust owns the property and that Joe Nowak was a representative as a trustee, when he made the application to the Township in 2010.

Public Input: None

Motion to Close the Public Hearing: Motion Unanimously Approved
Motion/S Sabty/Amos

Motion/S Sabty/Amos Motion to Approve Rezoning of Property #1 – (Nowak Property)

Move to approve the rezoning of a parcel owned by Joseph A. Nowak, owner of Nowak Cabinets, 11744 US 31 S, Elk Rapids, MI, Tax ID #05-06-032-014-10, from R-2 Residential to C Commercial.
Finding that:

- The rezoning will eliminate the current situation of adjacent non-coherent parcels.
- The rezoning is consistent with the Township C zoned area on US 31 S, the Township Master Plan Future Land Use recommendations for that area and the US-31 Corridor Study recommendations for that area.
- The proposed rezoning would not be incompatible with the existing zoning in the US 31 S current C zoned area and the surrounding R-2 zoned area.

- The requested C zoning is consistent with the use of land in the area.

Motion Unanimously Approved

Planning Commission Discussion: Attorney Derman suggested that the Planning Commission attach a reference number to the rezoning of the Nowak Property from R-2 to C Commercial. It was decided that since the proposed Zoning Ordinance Text Amendments was assigned the number **2016-02**, the Nowak parcel rezoning change would be identified as **2016-03**.

Open Public Hearing - Elk Rapids Township Zoning Ordinance Proposed Zoning Ordinance Text Amendments:

Motion/S Sabty/Peppler

Opening of Public Hearing Unanimously Approved

Amendment #2016-02

Part #1. Delete the word Residential from Residential Mini-Storage to read Mini-Storage where the text appears in the Elk Rapids Zoning Ordinance:

- a. Amend Section 1.03 Definitions - Residential Mini-Storage.
- b. Amend Chapter 11, Section 11.05-C. Residential Mini-Storage.
- c. Amend Chapter 11, Section 11.05-C, Sub Section 3 - Buffering, in 1st paragraph.
- d. Amend Chapter 11, Section 11.05-C, Sub Section 5 - Building Design and Construction, in 1st paragraph

Part # 2. Amend Chapter 17 Site Plan Review, Section 17.05 Action on Application and Plans, Sub Section C text last part to read as follows:

- C. "A notice shall be published once, at least fifteen (15) days prior to the date of public hearing, in a newspaper of general circulation in the Township to inform the general public of a site plan review."

Part #3. Amend Chapter 17 Site Plan Review, Section 17.11 Amendments to Approved Site Plan, Sub Section B text last part to read as follows:

- B. " subject to the procedures and requirements of Chapter 17 Site Plan Review and Section 17.05-C of this Zoning Ordinance."

Planning Commission Comments:

- Len Harrett supports the text amendments and stated the reasons for making these changes are very good.
- Emile Sabty referenced the removal of the word "Residential" from mini-storage and reported he had done some research on the various differences between "mini-storage," "self-storage" and "Pod storage". He believes mini-storage accurately describes the type of storage found in Elk Rapids.

Motion to Close the Public Hearing: Motion Unanimously Approved

Motion/S Amos/Sabty

Motion/S Sabty/Peppler

Motion to Approve Zoning Ordinance Amendment 2016-02

Move to approve revising the Zoning Ordinance Sections 1.03, 11.05-C, 11/05-C-3 & 5, 17.05-C & 17.11B per Amendment 2016-02 as written, and send it to the County for their approval.

Motion Unanimously Approved

Planning Commission Discussion:

- Emile Sabty reported that he plans to get a letter to Antrim County regarding the approved Zoning Ordinance Text Amendments. (2016-02)
- Attorney Derman noted that the County also needs to be notified of the Nowak property zoning change from R-2 to C Commercial. (2016-03)
- The Planning Commission confirmed that Antrim County needs to be notified of both updates. Mr. Sabty agreed to handle these County notifications.

Unfinished Business:

- **Non-Typical; Properties/When Determining Setbacks:** Attorney Derman referenced Len Harrett's report which was distributed to the Commission during the October 18, 2016 meeting. At this point in time, Mr. Derman and Larry Nix are still reviewing this document. They will provide a report back to the Commission when their review is complete.
- **District Library:** Attorney Derman reported that at the last Planning Commission meeting, he had received materials from Chair Smith regarding the library and was asked to review the library ordinances, lease agreement and deed. Highlights of his research follows:
 - 1) On April 29, 1948, Katherine Dexter McCormick deeded the Island House to the Village of Elk Rapids.
 - 2) The Township does not have any interest in the library real estate or the lease (which expires in 2038).
 - 3) The property belongs to the Village of Elk Rapids and the lease agreement is with the Village.
 - 4) All decisions concerning the Library/Island House rests squarely with the Village and not the Township.
 - 5) This same information was also shared at the Township Board Meeting held on November 14, 2016.
- D. Amos further reported that a group that included himself, Derman, Szymanski, and Hults, recently met with Library Director, Nannette Miller to review all the points of interest surrounding the future of the District Library.

Mr. Amos shared the following highlights regarding this meeting:

- 1) The Island House has had some remodeling in the past.
- 2) In an effort to maintain the historical integrity of the library, the architect hired for possible future renovations has been involved with work on the Grand Hotel on Mackinaw Island, so is familiar with the historical importance.
- 3) This group viewed sketches on work to enlarge facility as well as parking lot.
- 4) Improvements to the drop off area, downstairs entrance to access walkway, and cleaning up of grounds were discussed.
- 5) Tax monies collected can only be used on the inside of buildings for operations purposes only.
- 6) Library was given a gift and they have identified a group of people designated for fundraising purposes.
- 7) There are plans to have school and church groups use the facility for special functions and training.
- 8) Ms. Miller realizes all exterior work needs to be approved by the Village of Elk Rapids and will approach the Village with proposed plans possibly in the Spring/June 2017.

New Business: None

Public Comments:

Pat Brady approached the microphone and asked the Planning Commission to elaborate on the status of the six R-3 properties that were identified during a joint meeting with the Township and the Village in January, 2016.

Planning Commission Comments/Discussion:

- The Planning Commission confirmed there were joint meetings between the Township and the Village to identify possible R-3 properties in the Township in case of any future inquiries.
- The six identified R-3 properties are only possibilities for future use should there be a need. The current zoning of these properties does not change. If one of these properties is to be developed for R-3 use, then it will go through the proper rezoning process.
- The six identified R-3 properties were labeled “White Paper” for the time being as a temporary addendum to the Master Plan, until such time when the Master Plan is updated (2018), at which time they would be identified as “High Density Residential” on the Future Land Use Map (Map 5 – Joint Future Land Use).
- Until the Master Plan is updated, any inquiries to the Township about R-3 development would be referred to the six identified potential R-3 properties.

In Conclusion: The Planning Commission assured Mr. Brady that at this point in time, no changes or actions have been taken by the Planning Commission regarding these six potential R-3 parcels. The R-3 Use has only been identified in case of an inquiry. Nothing has changed - they have NOT been rezoned.

Member Comments:

- 1) Dorance Amos announced that this will be his last Planning Commission Meeting. He further stated that the plan at this point in time is that Aaron Isenhart will be the Board representative to serve in his place on the Planning Commission. Mr. Dick Hulst will continue to be the Board representative on the Zoning Board of Appeals.
- 2) The Commission recognized that Dorance Amos has served on the Planning Commission since November 5, 2008 and thanked him for his years of service to the Commission.
- 3) Mr. Amos also announced that the Township plans to hold an Appreciation Dinner at the Hacienda Restaurant on Thursday, December 1st. Invitations are in the process of being sent out.

Adjournment:

Motion/S Sabty/Amos

Motion to Adjourn.

Motion Unanimously Approved

Meeting adjourned at 7:28 PM