

Elk Rapids Township Planning Commission
Meeting Minutes – Tuesday, August 20, 2013

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, Michigan 49629. With the resignation of the recording secretary Shen Smith volunteered to take the minutes for this meeting. “Pug” Sliger was welcomed to the Planning Commission as the newest appointee of the Township Board.

Present: Jean Derenzy, William Larson, Renee Mischel, “Pug” Sliger & Shen Smith.

Absent: Dorance Amos & Jim Lundy, prior commitments

Present Township Staff: Len Harrett, Zoning Administrator and Brian Wegener, Planning Consultant.

Audience: Antrim Soil Erosion Heidi Schaffer, Ray Easton, Brian Easton, Martha Reid, Traver Wood, Robert Wilhelm and four others in attendance.

Adoption of Agenda: The proposed agenda was reviewed with a motion by Renee Mischel, 2nd by Jean Derenzy to approve the agenda as presented. Motion was adopted unanimously.

Approval of July 16, 2013 Planning Commission Minutes: After review a motion was by Jean Derenzy, 2nd by William Larson to approve the minutes of the July 16, 2013 meeting as presented.
Motion was approved unanimously.

Public Forum: None

Zoning Administrator Report: None.

Noticed Public Site Plan Review Hearings:

Three applicants are applying for approval of their site plans to make shoreline alterations according to the provisions of **Section 2.11 C and D-1 thru 4**. It is the Planning Commission members’ authority to evaluate if any of the individual proposed alterations will negatively impact either: the character of the Elk Rapids Township shoreline, or disadvantage adjacent neighbors.

#1 Becker Site Plan Evaluation Public Hearing: A motion was made by Renee Mischel, 2nd by Jean Derenzy to open the Becker Public Hearing, **motion was approved unanimously**. The Planning Commission members reviewed a Site Plan submitted per Ordinance Section 2.11 by **John and Ellen Becker** of Glenmont, New York current owners of an unplatted 82’ wide waterfront property at 10305 Elk Lake Road, Williamsburg, MI 49690. **Tax ID#05-06-028-028-10**, Zoned R-1 Residential. The owners are requesting approval of plans to make land and vegetation alterations along and within the 25’ wide strip of natural Elk Lake shoreline traversing their property.

The site plan and presentation was presented by Robert Wilhelm (Wilhelm Landscaping Williamsburg, MI). Williams & Works consultant, Brian Wegener, reported that all missing information from the site plan has been provided, boulder rip rap will be added and he recommended final inspection per Sec. 2.11.D-3. The Zoning Administrator, Len Harrett reported no unusual conditions except a sandy (w/ grass) 5’ embankment 60-odd feet from lakeshore not clearly shown on site plan. Alterations are low impact to existing character. Renee Mischel questioned the need for performance guarantee – members agree that project is too small to require one.

A motion was made by Jean Derenzy, 2nd by William Larson to close the Becker public hearing, **motion was approved unanimously**. After review and discussion a motion was made by Renee Mischel, 2nd by William Larson to approve the Becker’s request, finding that the proposed shoreline alterations will not negatively affect the existing character of the Township; conditional on compliance with DEQ and Soil Erosion Permit by inspection. **Motion was approved unanimously**.

#2 Easton Site Plan Evaluation Public Hearing: A motion was made by Renee Mischel, 2nd by Jean Derenzy to open the Easton Public Hearing, **motion was approved unanimously.** The Planning Commission members reviewed a Site Plan submitted per Ordinance Section 2.11 by **Ray and Jacquelyn Easton** of Bath, Michigan, current owners of platted property at 11191 Mattes Drive, Williamsburg, Michigan 49690 (aka Lot #6 of Elk View Terrace Subdivision, **Tax ID#05-06-675-006-00**, zoned R-1 Residential. The owners are requesting approval of plans to make land and vegetation alterations along and within the 25' wide strip of natural Elk Lake shoreline traversing their property.

Ray Easton presented the site plan and the presentation, Brian Wegener, of Williams & Works Planning Consultants recommended final inspection per Sec. 2.11.D-3. Zoning Administrator, Len Harrett reported that the plan satisfies the requirements; but noted that several dead tree stumps exist along shoreline but no trees are proposed in the alteration/restoration plan. Antrim County Soil & Erosion Officer Heidi Schaffer added that the lower bushy type plantings have equal quality for stabilization. Mr. Easton pointed out that mature trees are 50' – 75' from the shoreline and should maintain the character of the neighborhood.

Mr. Easton indicated that there were no trees remaining in the area under site plan review on this consideration but there exist large trees just outside of the review area. A question was raised by Shen Smith addressed to Brian Wegener and Heidi Schaffer as to whether the Zoning Ordinance and/or Planning Commission might be allowed to request that additional trees be planted when reviewing such site plan reviews in the future. The answer was that such a request is admissible as a condition of approval under various conditions of a site plan review.

A motion was made by Jean Derenzy 2nd by Renee Mischel to close the Easton Public Hearing, **motion was approved unanimously.** After review and discussion a motion was made by Jean Derenzy, 2nd by Renee Mischel to approve, finding that the proposed shoreline alterations will not negatively affect the existing character of the Township; conditional on compliance with DEQ and Soil Erosion Permit by inspection. **Motion was approved unanimously.**

#3 Reid Site Plan Evaluation Public Hearing: A motion was made by Renee Mischel, 2nd by Jean Derenzy to open the Reid Public Hearing, **motion was approved unanimously.** Planning Commission members will review a Site Plan submitted per Ordinance Section 2.11 by **Gary and Martha Reid** of Dublin, Ohio, current owners of an unplatted 100' wide waterfront property at 11005 Mattes Drive, Williamsburg, Michigan 49690 **Tax ID#05-06-033-002-10**, Zoned R-1 Residential. The Owner's are requesting approval of plans to make land and vegetation alterations along and within the 25' wide strip of natural Elk Lake shoreline traversing their property

Trever Wood, the landscape architect presented the site plan and the presentation, Brian Wegener of Willams & Works Consultants recommended final inspection per Sec. 2.11.D-3; and noted that no DEQ permit, Soil Type or phasing plan is included with application. ZA Harrett notes that the plan includes a personal boat ramp and a new/replacement tree. Renee Mischel questioned the materials to be used on the personal boat ramp and the purpose of the proposed boat ramp. Mr. Wood indicated materials will consist of flat natural stones and the purpose to be for the removal and temporary storage of watercraft items such as kayaks. Trever Wood stated that a DEQ permit had been applied for (Heidi Schaffer confirmed that DEQ permit was approved on 08/19/2013) and that site work will commence when all approvals are received. Trever Wood also pointed out that numerous trees exist further from the shoreline and will maintain a vegetated character.

A motion was made by Jean Derenzy 2nd by Renee Mischel to close the Reid Public Hearing, **motion was approved unanimously.** After review and discussion a motion was made by Jean Derenzy, 2nd by Renee Mischel to approve, finding that the proposed shoreline alterations will not negatively affect the existing character of the Township; conditional on compliance with DEQ and Soil Erosion Permit by inspection. **Motion was approved unanimously.**

Chairwoman Smith thanked the property owners for taking their time and energy to improve their shorelines, also Heidi Shaffer, Len Harrett, Larry Nix and Brian Wegener for the joint efforts that went into bringing these three initial plans to the public hearing stage. Heidi Shaffer, Antrim County Soil & Erosion officer requested to be notified of the date and time for all such site plan review hearing coming up in the future.

Old Business:

Medical Marijuana - Does Medical Marijuana need to be resolved – should the Ordinance have regulations? W&W Brian Wegener comments that the attorney general, Michigan courts, and legislature have added to or modified medical marijuana laws. Registered patients can grow in the privacy of their homes. He will provide information on what other municipalities are doing (or not doing) re having MM zoning regulations regarding caregivers. Chairman Smith asked William & Works to review and advise as to a closeout on the MM Moratorium or if any additional actions will need to be

taken to amend the Township Zoning Ordinance based on any new information coming out of the State of Michigan regarding MM.

Collaborative Master Plan Discussion regarding the number of copies that will need to be printed for the Township and distributed. It was pointed out that with the Township having a different cover the costs of printing would be higher; a motion was then made by Renee Mischel, 2nd by Jean Derenzy to return to the original joint master plan cover as originally proposed by William & Works. **Motion was approved unanimously.** Len Harrett will discuss with the Township board and then let the printer know the final number the Township will be printing and distributing.

New Business:

The Elk Rapids Township Planning Commission takes this time to issue a heartfelt thank you to retired Planning Commission member **Emile Sabty** for his many long years of dedication in the services of the Planning Commission - his shoes will be very hard to fill and he will be missed.

The **Zoning Board of Appeals** appointee from the Planning Commission to the Zoning Board of Appeals board was discussed, with **William Larson** indicating that he would be willing to accept appointment from the Township Board if they were so inclined to appoint him to the ZBA. Chairman Smith indicated that she would advise the Township Board as to Mr. Larson's willingness to serve if appointed.

2013-2014 Planning Commission Officers: – After discussion for the coming year officers, a motion was made by Renee Mischel, 2nd by Jean Derenzy to nominate and approve for officer positions - Shen Smith, Chairman, Renee Mischel, Vice Chairman and to hold off appointment for the office of Recording Secretary until the next meeting. **Motion was approved unanimously.**

Township Zoning Ordinance Amendments Needed:

Len Harrett reported that **Section 2.11** of the Elk Rapids Township Zoning Ordinance will need amendment based on a legal matter that needs to be corrected; and, **"In-Home Businesses"** has no review criteria if a resident applies to have an in-home business was discussed with a decision that any such in-home occupations to be referenced within the Township Zoning Ordinance will need defined descriptions and to be clearly spelled out.

As motion was made by Renee Mischel, 2nd by Shen Smith to authorize Len Harrett to work with Willams & Works to create and present amendment text for review. **Motion was approved unanimously.**

Correspondence: None
Public Comment: None
Members Comments: None

As there was no further business Chairman Smith adjourned the meeting at 8:42 PM.

The next scheduled meeting will be held on Tuesday October 15, 2013 at the Government Center, 315 Bridge Street, Elk Rapids MI.

Shen B Smith, Acting Secretary
8-20-2013

Minutes are subject to approval at the next regular Planning Commission Meeting.