Township of Elk Rapids
Antrim County, Michigan

Minutes of Public Hearing of April 21, 1979
Elk Rapids Township Planning Commission

The meeting opened at 2:10 p.m.

Present: Morrison, Forster, Azzano, Gribi, Dechow - Township Planning Commission
White, Arnold, Brugger, Schuler - Township Officers
Mr. Gary Rogers - County Planner

Absent: Larsen

Eleven members of the public were present.

The following members of the audience were given permission to speak:

1) Clara Arvisu for Mrs. Meyenke
2) Walter Williams for self
3) Joyce Klimecky for property owners on Timberlake Drive
4) Joyce Amann for property owners on Timberlake Drive

After public input, the Planning Commission felt that the parcel of land in question, owned by Mrs. Meyenke, was appropriately zoned based upon present land use and for the long range benefits of the Township. The Commission also felt that having vacant commercial property adjacent to existing commercial property will encourage commercial growth there rather than somewhere else. Regardless of how a parcel of land is zoned, it will not relieve pressure to sell parcel of land.

The meeting adjourned at 3:45 p.m.

Respectfully submitted,

Judith Azzano

Judith Azzano, Secretary

ANTRIM COUNTY PLANNING DEPARTMENT

William G. Rogers, Director

Antrim County Building
Phone (616) 533-8607, Ext. 34

P. O. Box 187
Bellaire, Michigan 49615

Rec 4/21/1979 Joint Meeting

May 2, 1979

Elk Rapids Township Board
c/o Mr. Versil White, Supervisor
Elk Rapids, Michigan 49629

Gentlemen:

The Antrim County Planning Commission met in regular session on Tuesday, May 1, 1979 to undertake a review of the proposed Elk Rapids Township Zoning Ordinance. Upon a motion and a second, the Planning Commission unanimously recommended that the Elk Rapids Board adopt the proposed ordinance.

On behalf of the Planning Commission, I wish to congratulate you for your vital concern in the future growth in your township and in your adoption of the proposed zoning ordinance to guide you for that future growth.

If at any time I can be of service to you, please call on me.

Sincerely,

William G. Rogers

William G. Rogers
Planning Director

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Good afternoon. It is now 2:10 so we will start the meeting, Saturday, April 21, 1979. I'm Jim Morrison of the Elk Rapids Zoning Board. The other Zoning Board members present here today are Rich Gribi, Ken Dechow, Judy Azzano, Diane Forster and I'd also like to introduce Gary Rogers, Antrim County Planner.

This hearing is being tape recorded in order to provide a complete record of the proceedings. I wish to read a notice that was published in the Town Meeting on Thursday, March 28, 1979 and on Thursday, April 19, 1979. It reads:

> "PUBLIC NOTICE. A public hearing will be held at the Elk Rapids Township Zoning Board for the purpose of receiving public comment on the proposed Elk Rapids Township Zoning Ordinance. The hearing will be held at 2:00 P.M. on Saturday, April 21, 1979 in the Elk Rapids Township Hall, at Elk Rapids, Michigan. Copies of the Zoning Ordinance and accompanying Master Plan will be available for public inspection and review at the following locations: Traverse City State Bank, 120 Ames Street, Elk Rapids, Michigan 49629; United States Post Office, 105 River Street, Elk Rapids, Michigan 49629; Versil White, Township Supervisor, (11335 U.S. 31 South), Route 2, Box 70A, Williamsburg, Michigan; Antrim County Planning Department, Antrim County Building, Bellaire, Michigan 49615. Written comments will be entered into the record of the public hearing if received on or before noon, April 21, 1979."

As stated in the public notice, this public hearing is being held for the purpose of receiving public comment on the proposed Elk Rapids Township Interim Zoning Ordinance. To initiate these proceedings, I will briefly outline the proposed ordinance. After I have completed the outline, any letters that have been received pertaining to the proposed ordinance will be read into the record. After the letters are included, if anyone present wishes to make comment, they may do so at that time. Please initiate your comments by stating your name and place of residence. Please do this each time you speak as we are recording this.

The Elk Rapids Township Zoning Ordinance is an ordinance to provide for the establishment of zoning districts in Elk Rapids Township, Antrim County, Michigan in accordance with the provisions of the Township Rural Zoning Act, Act 184 of the Public Acts of 1943 as amended. To provide for the administration of said ordinance and penalties for the violation thereof. The people of Elk Rapids Township do ordain this ordinance shall be known as the Elk Rapids Township Zoning Ordinance. The fundamental purpose of this ordinance is to promote the health, safety, and welfare of the inhabitants of the Township by promoting orderly development of the township, encouraging the use of land and resources in the township in accordance with their suitability, promoting the economic progress of the township and to protect and enhance the property value thereof, reducing the hazards to life and property, promoting safety in traffic, and providing protection from the spread of fire and other hazards, and conserving the use of public funds for public improvement and services to conform with the most advantageous use of land, properties and resources of the township,

Except in as hereinafter specified, no building, structure, premises or piece and parcel of land in the township, in and throughout the township shall hereafter be used or occupied and no building or part thereof or other structure shall be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered except in conformity with the regulations and provisions herein specified for the district in which is located. Within the district established by this ordinance or any subsequent amendment, there exists lots, structures, and uses of land, and structures which were lawful before this ordinance was effective, which would be prohibited, regulated, or restricted under the terms of this ordinance or amendments thereto. It is the intent of this ordinance to permit these nonconformities to continue until they are removed but not to encourage their continuance. It is further the intent of this ordinance that nonconformities shall not be enlarged, expanded, or extended nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district except by appeal to the Planning Commission or Appeals Board. To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption of this ordinance. To carry out the purpose of this ordinance, Elk Rapids Township shall be divided into the following districts: A - Agriculture R-1 Residential, R-2 Residential one and two family, R-3 Multiple family apartments, V - Village, E - Environmental, C - Commercial, M - Manufacturing, P-D - Planned Development. The boundaries of the various districts are as outlined on the Elk Rapids Township Zoning Map. Within the Agricultural Zone permitted uses are as follows: One family dwellings, churches and accessory religious facilities,public, parochial, and private schools, public libraries, public museums and art galleries, public parks, playgrounds and community centers, farms for both general and specialized farming together with farm dwellings and buildings and other intallations usual to such farms including road side stands provided that such stands sell produce grown on the premises and are situated so as to provide adequate (following not on tape: off highway parking for customers, greenhouse, nurseries, orchard groves and vineyards, apiaries, chicken hatcheries,) poultry farms and processing plants for dressing of poultry and other farm products raised on said farm, farms for breeding of domestic animals and fowl, breeding and boarding kennels, and sanctuaries for wild birds and animals provided the same shall be approved by the Michigan Department of Natural Resources, agricultural warehouses and storage plants, milk processing plants, primary processing plants for non-animal farm products and such other enterprises connected with farm production as shall be approved by the Planning Commission or Appeals Board, home occupations, forest preserves and farm wood lots, public and privately owned parks, playgrounds, and golf courses with customary service buildings and structures incident thereto. Additional dwellings on any farm for the use of farm or domestic employees of the owner or his lessee provided there is only one such tenant house in addition to the main dwelling for each ten (10) acres of farm land and provided that each such tenant house is surrounded by sufficient land to provide a further separate lot of two (2) acres

and a minimum width at the building line of 200 feet. Migrant worker facilities approved in accordance with state law, any agricultural, horticultural or husbandry use unless otherwise specifically prohibited by this ordinance. Every residential lot in the Agriculture Zone shall have a minimum of two (2) acres and a width at the building line of at least 200 feet. No dwelling, building, or structure shall exceed two and one-half stories or thirty-five (35) feet in height. Barn silos and similar agricultural related accessory building shall not exceed ninety (90) feet. Every dwelling shall have a minimum of 800 square feet of floor area.

Within the R-1 Residential Zone, the permitted uses are: One family dwellings, churches and accessory religious facilties, public, parochial, and private schools, public libraries, public museums and art galleries, public parks, playgrounds and community centers. Every platted lot in the R-1 Zone shall have a minimum area of 20,000 square feet and a width at the building line of 100 feet. No building or structure shall exceed two and one-half (2½) stories or thirty-five (35) feet in height. Every dwelling shall have a minimum of 960 square feet of floor area. Every unplatted lot in the R-1 Zone shall have the same requirements as for the platted lot except that the minimum lot size shall be 25,000 square feet.

With the R-2 Residential Zone, permitted uses are: Those uses allowed in the R-1 Zone, two family residences, nursing homes, convalescent homes, and nursery schools upon approval of the Township Planning Commission. All single family use of platted lots shall be on a lot having a minimum area of 30,000 square feet with 150 feet of width at the building line. Each dwelling unit shall have a minimum floor area of 800 square feet. All two family uses of platted lots shall be on a lot having a minimum area of 15,000 square feet per unit and a width at the building line of 150 feet. Each dwelling unit shall have a minimum floor area of 600 square feet. All single family use of unplatted lots shall be on a lot having a minimum area of 35,000 square feet and a minimum width at the building line of 150 feet. Each dwelling unit shall have a minimum floor area of 600 square feet. All two family use of unplatted lots shall be on a lot having a minimum area of 17,500 square feet per unit and a width at the building line of 150 feet. Each dwelling unit shall have a minimum floor area of 600 square feet.

Within the R-3 Multi Family Apartment Zone, those uses allowed in the R-2 Zone are also allowed. Multiple family apartments will also be permitted if, after development plan review and a public hearing, the Township Planning Commission grants its approval.

Within the Village Zone, those uses allowed in the R-2 Residential Zone are also allowed. The primary difference is that the lot sizes are smalled. For single family use, on unplatted lots the minimum lot size is 20,000 square feet with a width of 100 feet at the building line. For two family use of unplatted lots the minimum lot size is 10,000 square

feet per unit with a width of 100 feet at the building line. For single family use of platted lots, the minimum lot size is 15,000 square feet with a width of 100 feet at the building line. For two family use of platted lots, the minimum lot size is 10,000 square feet per unit with a width of 100 feet at the building line.

Within the Envrionmental Zone, permitted uses are: Public and private access by pedestrians, boat or non-highway special vehicles to hunt, trap or fish as provided by the law or to observe and enjoy the water, vegetation and wildlife in its natural state. Construction of or provision of footpaths or narrow walkways for access to these areas provided that the cutting of vegetation shall be a minimum for the purpose intended and no materials used for such construction shall contribute to the pollution or condemnation of the ground, water, or joining lakes and rivers, general farming purposes and grazing of domestic farm animals, harvesting of wild crops such as wild hay, ferns, moss, wild rice, berries, tree fruit and tree seeds, harvesting of timber in accordance with approved conservation practices. No other uses shall be permitted within the zone without proper application and approval by the Planning Commission. It is the intention of this zone to provide protection to certain land areas adjoining or abutting lakes, streams, or rivers which have a high water table or are wholly or partially submerged. In addition, it is the intent of this zone to provide protection to certain historical designated sites.

Within the Commercial Zone, the permitted uses are as follows: Automotive accessories, baked goods or pastry store, bank, barber or beauty shop, book, stationery or gift store, bowling alley, candy store, soda fountain, ice cream store, clothes cleaner or laundry pickup station, clothing and dry goods store, delicatessen store, dress shop, drugstore, electrical supply store, florist, fruit stand enclosed, furniture store, grocery and/or meat store, hardware store, household appliance store, ice vending machine, jewelry store, laundromats, nursery school and day nurseries, office, that is business or professional including medical clinics, paint and wallpaper stores, parking lots, photographers, radio and television store, restaurants and cafes excluding those permitting dancing, floor shores and the consumption of intoxicating beverages, self-service laundries, service stations, that is automobiles including minor repairs, shoe repair shop, tailor, variety store including notion and five and ten stores, other similar retail businesses or service establishments which supply convenience commodities or perform services primarily for residents of the surrounding neighborhood, provided however such uses shall be found to be similar by the Planning Commission.

Within the Manufacturing Zone, the permitted uses are as follows: light manufacturing or processing operations, warehouses, research and office buildings, subject to development plan review and approval by the Planning Commission.

Within the Planned Development Zone, those uses of a special or bizarre nature may be approved. Examples of these uses are: Extraction of natural resources, outdoor theatre, drive-in, race track, shopping center, industrial park, sanitary landfill, seasonal trailer park, country club, golf club, golf course, riding stable, mobile home park, ski area, skeet, trap or archery range and similar use. This zone shall be created upon approval of the Township Planning Commission after proper application, the completion of a development plan and a public hearing is held.

A Township Zoning Appeals Board is created consisting of five (5) members. The Board shall act upon all questions as they may arise in the administration of the ordinance, including interpretation of the zoning maps. The Board shall hear and decide all appeals from the review and order, requirements, decisions or determinations made by the Zoning Administrator. It shall be unlawful for any person to commence excavation for or construction of any building, structure or parking area, or to make structural changes in any existing building or structure without first obtaining a Zoning Permit from the Zoning Administrator. Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists enforcement of any provision of this ordinance shall be fined not less than twenty-five ($25.00) dollars nor more than five hundred ($500.00) dollars or imprisoned for not more than ninety (90) days or both, such fine and imprisonment at the discretion of the court, with the cost of the prosecution for such offense. Every day the violation is permitted to exists shall constitute a separate offense.

Ladies and Gentlemen, the foregoing outline reviews for the proposed Elk Rapids Township Zoning Ordinance. Will the Secretary of the Zoning Board now read into the recording of these hearings any letters that may have been received concerning the proposed ordinance. Do you have any?

Secretary: Yes, I do.

Morrison: Read them please.

Secretary: OK, Elk Rapids Township Zoning Board, Elk Rapids Township Hall, Elk Rapids, Michigan. April 21, 1979. To the Elk Rapids Township Zoning Board: We the undersigned property owners of Birch Lake Subdivision on Timberlake Drive in Elk Rapids are in complete opposition to any change in zoning of property on US-31 north of the traffic light at the intersection of Ames and US-31 in Elk Rapids to the Elk Rapids Township line and in particular, property on US-31, a limited access highway, directly west of the Birch Lake subdivision, part of Section 3, Town 29 North, Range 9 West, Elk Rapids Township, Antrim County, Michigan. Signed Roger W. Anderson, Frances E. Anderson, Wilma McCloud, Genevieve Kelly, Della Emery, E. B. Amann, Joyce R. Amann, Joyce Clamecki, Nancy A. Wilson, Sylvia Moore, Edda Gribi, Richard Gribi, Laverne Clamecki.

Morrison: Thank you, are there any questions or comments from the audience at this time and again I would remind you if you desire to ask a question or make a comment, we would like you to please state your name and your place of residence first.

.....: Speaking for my mother, Elizabeth Meyncke who resides at 10198 US-31 South, she is opposed to the zoning of her property as commercial as it is presently used as agricultural and she request that it remain that way.

Morrison: Thank you.

Secretary: Would you please spell your last name for us please.

.....: Mineor my mothers.

Secretary: Both, I would like to know yours, I know Mrs. Meyncke.

.....: Arvivu

Secretary: And your first name.

.....: Clara

Secretary: Clara - O.K.

Morrison: There is a small portion of that property presently suggested to be zoned commercial is that right and you want it all agriculture.

Arvivu: Yes

Morrison: Thank you. Are there any other comments.

Rogers: To address that question specifically, the line itself in which your commercial zone broke with the agriculture zone is the section line. I'm personally not aware of your property, I don't know how much is the zoned to the west of the section line.

Arvivu: It is right up at the top.

Rogers: Yes

Arvivu: No, its up at the top at that little point right in there.

Rogers: But basically where your driveway enters 31 on the west side of your driveway from that point due south would be where the commercial zone would be. Everything to the east of that point over to Elk Rapids Road would remain, would be zoned agriculture.

Arvivu: That's right here then.

Rogers: O.K.

Arvivu: .....

Rogers: Now your property then would go to what point along 31, from the driveway how far south along 31.

Arvivu: It goes all the way down to the auto parts at.....

.....: That would be.....

.....

Rogers: We have the description clarified.

Morrison: O.K., is there any other discussion on this point at this time. Are there other questions or comments regarding the proposed ordinance. Yes Clara.

Arvivu: I have a question.....

Morrison: Yes, would you please for the record.

Arvivu: Clara Arvivu. Things that are zoned residential or commercial, does that present usage have to change.

Secretary: No ....

Morrison: No it does not, the zoning ordinance as we understand it, does not

Arvivu: Potential

Morrison: That's right, anything presently established will not be changed, is that right Gary.

Rogers: Yes, most, just to reiterate that, the, how it is proposed to be zoned has no affect on how it is being used or how it will be used. Additionally, it has no affect on the taxes either, should that question be lingering in your mind. In other words, that parcel in question if it stays in fact commercial, it would not be taxed as commercial property, because commercial use is in fact not occuring on it.

Arvivu: We still don't wish it to be zoned commercial.

Rogers: O.K.

Morrison: Other quests or comments.

Walter Williams, Elk Rapids, I live at 110 Chippewa Street in Elk Rapids and we have a small place at 10305 Elk Lake Trail just outside of Elk Rapids in Elk Rapids Township. My question is simply where can one obtain a copy of this so that we can examine it in detail. Now, I've read through it but most of the things like that have come in today but I would like to have one I could take home and go through it and examine in detail.

Morrison: O.K. There are the copies that of course on display as we read, there are, there has been a recent change I believe where it was not published in the papers....

Rogers: If, in fact, the Township Board adopts the ordinance, the ordinance will be published or will be printed and available copies or copies will be made available to the public. The reason it is not printed before it is adopted is because of such things as a result of a public hearing it may be deemed necessary to not, in fact, adopt the ordinance. So therefore, copies are put on public display, keeping the cost minimal, however, publishing costs are quite extensive and therefore they are not undertaken until the ordinance is actually adopted, but one will be made available to you.

Secretary: If, Walt, if you wanted to have one now, is that what you mean, you'd like

Williams: Well, I would like to take one for a couple of days and go through it and then I may have some questions .... But I had a chance to examine one quickly through but it was a public copy in the post office and I would really like to have one study it in detail. Like for a couple of days if there are some extra copies lying around some where.

.....

Rogers: The copies that are currently on public display after today's meeting can be taken off display and one of those copies could be made available to this gentlement, prior to the Township's Board meeting.

Morrison: I'll see that you get one Walt.

Williams: Thank you. Could you number them, perhaps their might be other people that would like to see them and examine them more carefully, just check them out from somebody.

Secretary: Should we decide that maybe we should have these copies with Mr. White so that people who want to check them out with him. Is that O.K. with you.

Mr. White: I don't care.

Secretary: We'll do that then....

Morrison: Other questions or comments. Yes maam

I'm Joyce Clamecki and the letter that was just read into the record was from some of the residents on our street, Timberlake Drive. It said we are opposed to any changes in zoning along the Highway 31 that was mentioned. What we meant was that we are opposed to any commercial development, we did not mean, now I understand that it might be zoned environmental. We wouldn't be opposed to that.

Morrison: Thank you.

Secretary: O.K., thank you.

Rogers: To answer that specifically the, US-31 north from the village limits to the township line is predominately zoned environmental because of generally high water table with the exception of two spots that are zoned R-1 but other than that, there is no commercial zoning proposed along 31 north.

Secretary: This is what we are trying to avoid, is to have this happen.

Clamecki: O.K., it is zoned environmental right now.

Secretary: Yes.

Morrison: The proposed zoning.

Rogers: The proposed zoning.

Secretary: There is no zoning now, the proposed zoning.

Morrison: It is not presently zoned, but this ordinance proposes environmental for almost that entire area there and there is no commercial zone proposed in any, at all that way.

.....: Do you feel that the other signatures on the letter are of the same mind as you are.

Clamecki: Yes, just, they are just against commercial at all.

Morrison: Thank you, yes maam

..... of Timberlake Drive. We had a meeting last year and I think we were afraid that it was going to be put through so that they could open our road down there and have the commercial come from northern up and come down to where the state property is where they have the access on there and if it is presently, if it is not presently zoned and you do zone it Environmental, does that mean that they are not going to open the road and everything is going to stay status-quo or does that mean it's going to change.

Rogers: Insofar as the proposed zoning ordinance is concerned, the property would remain in an environmental category. However, that does not preclude the highway department who owns that right of way of opening or closing or keeping it closed, it's

currently a limited access right of way. That decision is made by the highway department, the State of Michigan. I do no believe that they would undertake such an action, however, in direct opposition to your ordinance which is for it to be zoned environmental.

.....All right, thank you.

Morrison: Other questions. If there are no other questions, the chair will accept a motion to recess the hearing.

.....: I so move.

.....: Second

Morrison: All in favor, say aye. Opposed say no. We are in recess.

I hereby certify that this document, pages one through nine, represents a true copy of the transcribed tape recording of the Elk Rapids Township Zoning Public Hearing.

Patricia Roach

Patricia Roach, Secretary
Antrim County Planning Department

I hereby certify that the tape recording from which this document was transcribed represents the true recording of the Elk Rapids Township Zoning Public Hearing.

William G. Rogers

William G. Rogers
Antrim County Planning Department