B. Brugger

ELK RAPIDS TOWNSHIP PLANNING COMMISSION
TOWNSHIP OF ELK RAPIDS - ANTRIM COUNTY, MICHIGAN
SHEN B. SMITH, SECRETARY
P.O. BOX 175 - ELK RAPIDS, MICHIGAN 49629
(616) 264-5855

12/13/89

THE MEETING OF THE ELK RAPIDS TOWNSHIP PLANNING COMMISSION WAS CALLED TO ORDER BY BUD TOWNSEND AT 7:30 PM, WEDNESDAY, DECEMBER 13, 1989.

ROLL CALL PRESENT - BUD TOWNSEND, RICHARD JOBE, ROBERT BRUGGER, WILLIAM WHITE, SHEN SMITH, DEAN VELIQUETTE ABSENT - TODD PARENT

ALSO PRESENT: DAVID ERBE, JANE WHITE & ROSS HICKMAN.

A QUORUM WAS ESTABLISHED

READING OF THE MINUTES OF THE LAST MEETING

BILL WHITE QUESTIONED THE PARAGRAPH REFERRING TO THE REZONING OF "E" PROPERTY ALONG THE EAST SIDE OF NORTH BAY SHORE ROAD, REFERENCE SENTENCE "...FROM SECTION 16 TO THE VILLAGE LIMITS...". AFTER DISCUSSION IT WAS DETERMINED THAT THIS SENTENCE SHOULD BE CHANGED TO REFLECT ALL OF THE PROPERTY ON THE EAST SIDE OF NORTH BAY SHORE ROAD FROM THE VILLAGE LIMITS TO INWOOD HARBOR.

A MOTION WAS MADE BY BILL WHITE, SECONDED BY DICK JOBE, THAT WE INCLUDE THAT PORTION OF "E" PROPERTY IN SECTION 9, WHICH LIES TO THE EAST OF NORTH BAY SHORE ROAD & WEST OF U.S. 31, FROM THE ELK RAPIDS VILLAGE LIMIT TO INWOOD HARBOR, IN THE REZONING PROCESS. MOTION CARRIED

WITH NO FURTHER ADDITIONS OR CORRECTIONS, A MOTION WAS MADE BY BILL WHITE SECONDED BY DICK JOBE, THAT WE APPROVE THE MINUTES OF THE DECEMBER 4, 1989 MEETING TO INCLUDE THE ABOVE ADDITION. MOTION CARRIED

PUBLIC HEARING - DONALD WESTVELD

SPECIAL USE PERMIT - DON WESTVELD (PROPERTY OWNER) FOR OUTSIDE STORAGE OF VEHICLES, MACHINERY, BOATS, R.V.'S, MOTORCYCLES OR OTHER ITEMS AWAITING REPAIRS IN THE BODY SHOP (ELK RAPIDS BODY SHOP). THESE ITEMS WILL BE STORED WITHIN AN ENCLOSED FENCE.

PROPERTY ZONED "C" - PART OF LOT 3A, PROPERTY #05-06-650-001-00. US 31 SOUTH, ELK RAPIDS, MICHIGAN.

ROSS HICKMAN SPOKE BRIEFLY TO THE COMMISSION OUTLINING HIS CLIENT'S REQUEST FOR A SPECIAL USE PERMIT.

ID ERBE INDICATED THAT THE FENCE IN QUESTION WAS 6 OR 8 FEET IN HEIGHT AND ENCOMPASSED ROUGHLY 6,000 SQUARE FEET OF AREA WITH THE APPROX. DIMENSIONS OF 16+32+40' ON ONE SIDE, 76' ON THE EAST SIDE AND 68' ON THE WEST SIDE. DICK JOBE ASKED IF THIS FENCE WAS CURRENTLY IN PLACE. MR. ERBE INDICATED THAT THE FENCE WAS INSTALLED AT THIS TIME. MR. ERBE SAID THAT THE FENCE WOULD CONTAIN SLATS TO PREVENT VIEW FROM THE OUTSIDE.

HE LACK OF A SITE PLAN WAS DISCUSSED. JANE WHITE ASKED WHY THE COMMISSION HAD ACCEPTED THE APPLICATION WITHOUT A SKETCH. THE SECRETARY INDICATED THAT MR. ERBE WAS ORIGINALLY TO BRING IN A SKETCH FOR THE PUBLIC HEARING SCHEDULED FOR AUGUST 1989, WHICH HE SUBSEQUENTLY DEFAULTED. MR. ERBE SAID THAT HE HAD SUBMITTED A SURVEY SHEET AT THE TIME OF HIS ORIGINAL APPLICATION. NO SKETCH WAS RECEIVED WITH MR. HICKMAN'S REQUEST FOR A PUBLIC HEARING. THE SECRETARY STATED THAT SHE HAD ASKED BILL DERMAN AT THE TOWNSHIP BOARD MEETING IN NOVEMBER, IF SHE SHOULD SEND THE APPLICATION REQUEST BACK TO MR. HICKMAN FOR THE INCLUSION OF A SKETCH. IT WAS DETERMINED THAT THIS WOULD NOT BE NECESSARY. MR. DERMAN SAID THAT HE WOULD GET BACK IN TOUCH WITH MR. HICKMAN TO HAVE A SKETCH SUBMITTED FOR THIS HEARING.

THE VALIDITY OF THE ISSUANCE OF A BUILDING PERMIT WITHOUT A PUBLIC HEARING WAS DISCUSSED. MRS. WHITE INDICATED THAT SINCE THE BUILDING PERMIT HAD BEEN ISSUED, A BUILDING BUILT AND A FENCE PUT UP, THERE WAS NO RECOURSE LEFT BUT TO ADD SOME CONTROLS ON HOW THE OUTSIDE STORAGE WAS TO BE HANDLED.

A QUESTION WAS ASKED BY DEAN VELIQUETTE CONCERNING A SPECIAL USE PERMIT ISSUANCE. HE WANTED TO KNOW IF THE PERMIT WAS ISSUED FOR THE LAND OR TO THE PERSON MAKING APPLICATION, AND WHAT WOULD HAPPEN TO THIS PERMIT IF MR. WESTVELD WERE TO SELL THE LAND AND/OR BUSINESS. BUD TOWNSEND INDICATED THAT SPECIAL USE PERMITS ARE ISSUED FOR THE LAND AND WOULD TRANSFER WITH THE OWNERSHIP OF THE LAND AS LONG AS THE BUSINESS OR USE IS MAINTAINED IN A LIKE MANNER. HE STATED THAT MR. DERMAN HAD BEEN CONSULTED ON THIS QUESTION BY KEN SMITH, WITH MR. DERMAN CONCURRING. THE MAR-JAC MOTORS/GREAT LAKES AUTO SPECIAL USE PERMIT FOR OUTSIDE STORAGE WAS DISCUSSED.

THE QUESTION OF CONDITIONS SUBJECT TO APPROVAL AND OPERATION OF THE PROPOSED OUTSIDE STORAGE WERE DISCUSSED. MR. HICKMAN INDICATED THAT MR. WESTVELD WOULD BE WILLING TO ABIDE BY CONDITIONS AND OR RESTRICTIONS PLACED UPON THE ISSUANCE OF A SPECIAL USE PERMIT. HE STATED THAT MR. WESTVELD'S INTENTIONS ARE TO BE AN ASSET TO THE COMMUNITY NOT A DETRIMENT.

A MOTION WAS MADE BY SHEN SMITH, SECONDED BY BOB BRUGGER, THAT WE APPROVE THE SPECIAL USE PERMIT FOR OUTSIDE STORAGE AS REQUESTED IN MR. HICKMAN'S APPLICATION FOR MR. WESTVELD WITH CONDITIONS, AND THAT THESE CONDITIONS BE BROUGHT BACK TO THE NEXT MEETING FOR CONSIDERATION AND/OR APPROVAL.

MR. HICKMAN INDICATED THIS WOULD BE ACCEPTABLE TO THIS CLIENT. BUD TOWNSEND INDICATED THAT HE SAW NO NEED TO DRAW UP CONDITIONS FOR THE NEXT MEETING. AFTER MORE DISCUSSION, SHEN SMITH MOVED TO AMEND HER MOTION TO READ:

> TO APPROVE THE SPECIAL USE PERMIT FOR OUTSIDE STORAGE OF ITEMS IN THE TOTALLY ENCLOSED AREA AS REQUESTED IN MR. HICKMAN'S APPLICATION FOR MR. WESTVELD WITH THE FOLLOWING CONDITIONS:
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> A) THAT A DETAILED DRAWING WITH THE LOCATION OF THE BUILDINGS AND THE REFERENCED FENCED AREA BE SUBMITTED TO THE PLANNING COMMISSION WITHIN 24 HOURS OF THIS HEARING.

B) THAT ANY ITEMS AWAITING REPAIR WHICH EXCEED THE HEIGHT OF THE FENCE SHALL NOT BE STORED OUTSIDE FOR MORE THAN THIRTY (30) DAYS.

C) THAT THE FENCE ENCLOSING THE OUTSIDE STORAGE AREA BE MAINTAINED IN A SLATTED NEW CONDITION THAT WILL TOTALLY OBSCURE FROM VIEW ANY ITEMS BEING STORED WITHIN IT.

A ROLL CALL VOTE ON THE AMENDMENT PASSED WITH ALL YES VOTES, AS DID THE FOLLOWING VOTE ON THE ORIGINAL MOTION.

DEAN VELIQUETTE AGAIN STRESSED THAT HE BELIEVES THE PROPERTY TENANTS SHOULD BE ACCOUNTABLE FOR THE PROPERTY/BUSINESS NOT THE OWNER OF THE PROPERTY. MR. HICKMAN STATED THAT MR. WESTVELD WILL BE ACCOUNTABLE FOR THE COMPLIANCE OF THESE CONDITIONS.

UNFINISHED BUSINESS

LEONARD HERMAN CONDO DEVELOPMENT

THE JARVIS (PINE HOLLOW)/MERSKIN PROPERTIES WERE DISCUSSED. A LETTER WAS PRESENTED TO THE COMMISSION FROM KEN SMITH, ER ZONING ADMINISTRATOR TO MR. LEONARD HERMAN REGARDING THE ABOVE REFERENCE PROPERTIES WITH A SUGGESTION FROM MR. SMITH THAT MR. HERMAN APPLY TO THE ER ZONING BOARD OF APPEALS FOR A DECISION AND/OR INTERPRETATION OF THE ZONING ORDINANCE REGARDING THE NUMBER OF PROPOSED UNITS TO BE PLACED ON THIS PROPERTY AND SECTION 2.14 OF THE ELK RAPIDS TOWNSHIP ZONING ORDINANCE.

DISCUSSION DETERMINED THAT MR. SMITH SHOULD HAVE ADVISED MR. HERMAN TO COME BACK TO THE PLANNING COMMISSION FOR REZONING AND SITE PLAN APPROVAL PRIOR TO SENDING HIM OFF TO BOARD OF APPEALS FOR A PUBLIC HEARING, AS THE CURRENT ZONING ON THE WATERFRONT PROPERTIES IN QUESTION IS R-1 NOT R-3 OR P/D.

BILL WHITE INDICATED THAT PART OF THIS PROPERTY MIGHT BE PLATTED IN THE JUNIPER SHORES SUB-DIVISION IN WHICH CASE WOULD HAVE TO GO FIRST BEFORE THE TOWNSHIP BOARD AND THE PROPERTY OWNERS IN THE JUNIPER SHORES SUB-DIVISION BEFORE IT WOULD COME TO THE PLANNING COMMISSION. BILL WILL CHECK THE SUPERVISOR'S PLATT AND REPORT BACK TO THE COMMISSION AT THE JANUARY 3RD MEETING.

BED & BREAKFAST ORDINANCE

THE B & B ORDINANCE WILL BE PUBLISHED IN THE NEWSPAPER FOR A JANUARY 3RD PUBLIC HEARING. THE ORIGINAL ORDINANCE DETERMINED THE DISTANCE BETWEEN B & B ESTABLISHMENTS TO BE 2,500 FEET, THE NEW ORDINANCE INDICATES THIS DISTANCE TO BE 1,000 FEET. IT WAS DETERMINED TO INSERT THE ORIGINAL 2,500 FEET DISTANCE REQUIREMENT BACK INTO THE ORDINANCE TO BE PUBLISHED FOR A HEARING.

THERE WAS NO FURTHER BUSINESS, A MOTION WAS MADE BY BILL WHITE, SECONDED BY DICK JOBE, TO ADJOURN AT 9:15 PM. MOTION CARRIED

RESPECTFULLY SUBMITTED,

Shen B. Smith

SHEN B. SMITH