Township of Elk Rapids
Antrim County, Michigan
Elk Rapids Township Planning Commission
Shen B. Smith, Secretary
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August 18, 1998

The Special Public Hearing Meeting of the Elk Rapids Township Planning Commission was called to order by John Ferrari, vice chairman in the absence of the chairman, at 7:00 PM on Tuesday, August 18, 1998. Present: John Ferrari, Renee Mischel, Dorance Amos & Shen Smith. Absent: Tom Dame, Ned VerHage & Don Glowicki, Jr. A quorum was established. Also present: Ed Hammer, Jim & Kim Potocki, Doug Strang, Harry Potter & Len Harrett.

Public Hearing #1: Zoning Ordinance Text Amendments

The following Zoning Ordinance Text Amendments were review for the public hearing:

Deletion in Chapter XV - Site Plan Review

The following to be deleted from the Ordinance:

~~Section 15.02 - SCOPE, Paragraph "C" which reads:~~

~~"Projects involving the expansion, remodeling or enlargement of existing buildings which comply with all zoning ordinance requirements and involving no new or additional means of access thereto from adjoining public roads or highways~~."

Additon to Ordinance - Section 11.05 - Uses Permitted by Special Use Permit (Special Exception) to Commercial Zone.

"Section 11.05 the following uses of land and structures may be permitted by the application to the Planning Commission for the issuance of a special use permit (special exception Chapter XVII, Section 17.07) when specified procedures and requirements, as outlined in the article in section cited, are complied with:

1. Open Space Storage provided that all such open space storage shall be screened on all sides by a solid uniformly finished and maintained wooded or masonry wall or fence of durable material, or a well maintained greenbelt, each of which shall be no less in height that the enclosed storage.
2. Outside sales and displays.

Addition to Section 17.01 - ZONING PERMIT REQUIRED. It shall be unlawful for any person to commence excavation for, or construction of any building, structure or parking area, or to make structural change, alteration or addition in any existing building or structure or relocate any building or structure without first obtaining a zoning permit from the Zoning Administrator. No permit shall be issued for the construction, alteration, addition or relocation of any building or structure until an application has been submitted showing that the construction proposed is in compliance with the

provisions of this Ordinance and any required zoning permit fees paid. No plumbing, building, health, electrical or drainage permit shall be issued until the Zoning Administrator has determined that the plans and designated use indicate that the structure and premises, if constructed as planned and proposed, will conform with the provisions of this Ordinance, and paying the permit fee therefore as established by the Township Board.

Exception to the above requirement of a zoning permit for construction or relocation:

A. Storage shed, or similar type building not exceeding one hundred (100) square feet and having no permanent foundation, provided however that such building shall be placed in accordance with Section 2.07.

B. Decks, porches, and patios not exceeding 150 square feet and less than 12 inches above grade and having no permanent foundation, providing however that such Structure shall be placed in accordance with Section 2.07.

Addition to Section 2.07 - ACCESSORY BUILDING **& DECKS**. The front, side and rear yard setback requirements of each zone shall apply to the location of accessory buildings within each zone.

No public comment or input was received. A motion was made by John Ferrari, 2nd by Renee Mischel to close the public hearing. MOTION CARRIED. A motion was made by Dorance Amos, 2nd by John Ferrari to approve the proposed text amendments and send them to the Antrim County Planning Commission for review. MOTION CARRIED.

Village Car Care - Site Plan Modification & Special Use Permit Application. The public hearing tabled from the August 4th meeting was untabled at this time.

Discussion regarding noted violations from the meeting of August 4th indicated that front display violation had been corrected but no action has been taken on the issue of signage on the face of the Village Car Care building. A question was asked to the Zoning Administrator regarding a citation being issued to Village Car Care for a signage violation. Response indicated that Zoning Ordinance is vague regarding this point. As no action has been undertaken to correct the signage problems the Planning Commission hereby is referring this signage issue to the Zoning Board of Appeals for an interpretation of the ordinance.

Following review and discussion of the new site plan for outside storage and displays for Village Car Care a motion was made by Shen Smith, 2nd by Renee Mischel to grant a tentative site plan approval and special use permit for outside displays and storage conditional upon the following issues being resolved, contracted for and reflected on a final signed site plan:

Fence & Fence Screening - to be maintained in accordance with the minutes of February 1, 1994 and April 11, 1994.

Parking of customer cars & employee cars in accordance with the minutes of February 1, 1994 & April 11, 1994.

Signs: All signage on the property to be located on **a single marquee type sign** not to exceed the requirements of the Ordinance. Single sign to be located in the current grass position west of the US 31 right-of-way and east of the Village Car Care building. The banner sign currently located on the Village Car Care building to be removed.

Prior Outside Storage Approvals for lawn equipment displays and U-Haul displays: All conditions and requirements previously approved by the Elk Rapids Township Planning Commission (minutes of 1/1/94 & 4/11/94) regarding display numbers, locations and times of display are being incorporated into these conditions of approval. Outside displays areas for lawn equipment and U-Haul trucks/trailers will be shown in detail on the final site signed plan.

Landscaping Plan, Hardwood Trees & Fence Relocations & Fence Screening. The property owners will install the landscaping plan & seven (7) hardwood trees prior to July, 1999 in accordance with an approved and signed site plan. These hardwood trees to be 3-4" in diameter at time of planting and will be maintained in a healthy growing condition by the property owner. Any such trees which may die shall be replaced with one of the same variety and of a minimum size of 3-4 inches in diameter. Fence relocation and fence re-screening shall be completed prior to December 1998. Any such trees in the fence screen which may die shall be replaced with one of the same variety and size.

Measurements For "Display Area Limits". The following requested measurements will be shown on the final signed site plan and shall be then known as the "Display Area Limits":
a) Distance from centerline of US 31 to a marked point equal to the corner of the Wooden Hammer office building.
b) Distance from the centerline of US 31 to a marked point equal to the end of the Brewery Company chain link fence line.
c) Distance from the centerline of US 31 to a marked point at the start of the pavement on the southwest corner of the center circle.
d) Distance from the centerline of US 31 to a marked point at the start of the pavement on the northwest corner of the center circle.

- **"The Green Area"**. Defined as the Area Between the Centerline of US 31 and the "Display Area Limits", except, as indicated herein, no sales activities, overnight parking, or outside displays of any nature or kind will be allowed in "The Green Area" This area will be shown in exact measurements on the final site plan. Exceptions to this item include:
a) Day time hours display of lawn equipment will be allowed in the green area in accordance with conditions previously approved by the Planning Commission regarding the display of this merchandise,
b) Landscaped Sign Display Area as authorized and located on the final site plan.

- **Permitted Outside Display of U-Haul Trucks/Trailers** - to be displayed in accordance with the conditions previously approved by the Planning Commission in the minutes of February 1, 1994 & April 11, 1994, in regard to numbers, times and types of outside display of this merchandise.

- **Permitted Outside Automobile Sales Display Areas (South & North)** shall be defined by boundaries on the final signed site plan with the following conditions:

Number of Display Automobile Units. No more than fifteen (15) automobiles total may be displayed for sale at any one time of the day or night.

Outside Display of Automobiles (South Display Area) - The south display area shall be limited to no more than five (5) automobiles at any one time of the day or night. If a **"****Featured Display*" is located on the south side of the property an additional fifteen feet (15') will be maintained between a "**Featured Display*" and the other four automobiles allowed to be displayed in the South Display Area.

Outside Display of Automobiles (North Display Area) - If a **"*** *Featured Display*" is located on the north side of the property an additional fifteen feet (15') will be maintained between a "featured display" and the other automobiles allowed to be displayed in the North Display Area.

Featured Display is defined as: "a single automobile displayed flush to the ground with no mounding of materials, tenting, or projections arising from the ground up in any manner with a fifteen foot (15') open area to be maintained between the featured display and other automobiles on display.".

Outside Lighting. No additional outside lighting will be added to this site.

***Tents & Promotional Events W/Props** - are limited to a three day period in any 30 day period and may only be located west of the Display Areas Limits.

Final Approval of this special use permit is conditional upon the site plan being amended and approved by the Planning Commission, and upon acceptance of all conditions and restrictions set forth herein. 30 days is being granted to finalize the site plan.

MOTION CARRIED.
A motion was made by Shen Smith, 2nd by Dorance Amos to amend the above conditions to include the removal of the existing banner sign on the Village Car Care building and to add the condition regarding "tents & promotional events w/props". MOTION CARRIED.

Internet Connection. The internet address of ElkRapids.Com has been secured for the Township by Shen Smith at a cost of $200.00. This amount will reimburse Jim Sundberg, the prior owner for his costs to date for this address. A motion was made by Renee Michel, 2nd by Dorance Amos to purchase the address for use by the Township and Village for their ordinances and master plans. MOTION CARRIED. The funds will be requested of the Township from the Planning Commission budget. The Village will be asked to contribute $100.00 toward this investment in the future of Elk Rapids.

Site Condo Ordinance. Report was received from Mike Turkelson on the Site Condo Ordinance amendments. Question regarding preparing the text for publication. Shen Smith will call Mr. Turkelson for a clarification. It has been suggested that Mr. Sullivan take a look at this amendment text also.

Shoreline Protection Zone. A contract was received from Larry Sullivan outlining the contract for services. A motion by Shen Smith, 2nd by Dorance Amos that we accept the contract. John Ferrari has signed for the services and the signed contract will be given to the Township Board for their authorization.

C-Tech (Michigan Cable) - an application has been received for the installation of additional equipment on the existing antenna tower on the C-Tech property. This application has been received incomplete and is being held for the proper paperwork.

Video Taping of Elk Lake Shoreline. A proposal has been received from Amy Stang for the taping of the Elk Rapids Shoreline for the Shoreline Protection Inventory. A motion was made by Dorance Amos, 2nd by John Ferrari to authorize the taping not to exceed $300.00. MOTION CARRIED. Ned VerHage will contact Amy to authorize the taping to proceed.

Planning Commission Membership. John Ferrari announced that he will not be returning to the Planning Commission with the expiration of his term the end of August. Mr. Harry Potter has been appointed to fill the vacant appointment in September. A motion was made by Renee Mischel, 2nd by Dorance Amos to thank John Ferrari for his dedication and commitment to the Planning Commission

and request that he apply to serve on the Zoning Board of Appeal Board. MOTION CARRIED. Ned VerHage will stay on for another term on the Planning Commission.

The previously scheduled meeting of August 25th has been cancelled. The next meeting of the Planning Commission will be a regular meeting on September 1, 1998, at 7:00 PM.

S.O.B. Ordinance. A letter will be sent to the Township Board indicating that the Planning Commission has amended the hours of operation for the S.O.B. ordinance and the ordinance is now ready for their final approval.

As there was no further business at this time, a motion was made to adjourn. MOTION CARRIED. Meeting was adjourned at 10:01 PM.

Respectfully submitted,

Shen B. Smith
Secretary