Elk Rapids Township Planning Commission
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August 9, 2007

The Regular Monthly Meeting of the Elk Rapids Township Planning Commission was called to order by Chairman, Emile Sabty, on Thursday, August 9, 2007, at 6:30 PM, at the Government Center, 315 Bridge Street, Elk Rapids, MI. Present: Emile Sabty, Shen Smith, Jim Lundy, Renee Mischel, Don Glowicki, Jr., Brian Altonen and William Larson (arriving later). A quorum was established. Also Present: Len Harrett, Larry Nix & Bill White. Signed in members of the public in attendance for this meeting included 28 US-31 property owners, 9 township residents, and 2 non-township residents.

Minutes – July Meeting: The minutes from the July meeting were tabled to the August meeting.

UNFINISHED BUSINESS:
US-31 Standards – Chairman Sabty outlined the background on the proposed US-31 Standards, Amendment #3, Part 1, which received review by the Antrim County Planning Commission with a recommendation of denial for the proposed amendment and with a recommendation that an impact study be done for all affected properties. He reviewed the 1995 US-31 Corridor Study, and the desire by the planning commission to put standards in place to preserve the corridor viewscapes and to attempt a standardization of the varying existing setbacks from US-31. A motion was made by Emile Sabty, 2nd by Jim Lundy to:

- Delete Part 1 of Amendment #2007-03 re US-31 Standards from the total amendments package,
- Forward the adjusted package to the Township Board advising them that they approve the adjusted amendment package during their 8/14/07 meeting,
- Table the "Standards for Property Adjacent to US-31" for further review, study and future decision.

Discussion: Shen Smith asked for a clarification from the Township Consultant regarding the legality of a motion which would delete proposed sections already approved through the public hearing process and already having had the review of the County Planning Commission. She indicated that she had been earlier advised that such a motion to delete sections at this time would be out of order, and was at this point in time not up to the planning commission but was the final responsibility and decision of the Township Board whether they wished to deny the amendment, or send it back to the planning commission for further study. The Chairman would not allow the Planner to address the legality issue raised nor any comments allowed. Also denied was a request by Renee Mischel asking that the Planner be allowed to discuss the issues of procedure with the planning commission and with the general public at large. Both S. Smith and R. Mischel stated that they were not in favor of the Township Board approving the proposed US-31 Standard amendment as written, but were calling the question regarding the legality of such a motion being put forth at the planning commission level. Questions asked by these two members of the planning commission were not allowed to be addressed. MOTION CARRIED: Yes-4, No-0, Abstain-2 (with 2 members reserving the right to vote for or against the motion based upon receiving a clarification to their questions.

Public Forum: Input from the public on the US-31 Standards issue was received from: Clara Arvizu, Bob Streit, Jack Palazzolo, Dick Sanderson, Nina Palazzolo, Larry Hayes, Al Vasquez, Dick Sharkey, Jim Braun, Mary Cooper, Jane White, Vincent Cooper, & Bill Sarasin. Issues brought up included questions covering the following topics: 1) Is the proposed 150' setback a taking of land without compensation, 2) requests for a new study of the properties and their setbacks along US-31 to be undertaken, 3) questions about how and who should be notified by the individual letter notice, 4) requests for public notification in a publication that will reach more of the Twp. residents i.e. use of the "Elk Rapids News" instead of the "Town Meeting" for legal notices, 5) non-conformance issues with structures that would fall within the proposed 150' setback, 6) issues covering changes in ownership of properties along US-31 and how the amendment if approved would impact their property. Several members of the public indicated that part of their tax dollars paid to the Township went to

pay for zoning professionals and as such they asked specifically for the Planner and the Zoning Administrator to be allowed to answer questions.
Township Planner, Larry Nix addressed questions directly from the public regarding non-conformance, grandfathered status, legal notification requirements, and indicated that the motion presented to delete sections of approved text was not the correct procedure at this stage in a zoning ordinance final approval process. He further indicated the proposed amendment in question had already received public hearing and country level review with their final recommendations on the proposed amendment being addressed to the Elk Rapids Township Board and not to the planning commission.

Len Harrett addressed the public indicating that future development along US-31 will take place, and there is a need now to prepare standards which would create for orderly and pleasing rural future development of the 31 Corridor. Bill White, Township Supervisor addressed the public indicating that he had listened carefully to all of the public comments and the recommendations of the county and of the planning commission.

On-Site Lighting Standards: Tabled

As there was no further business at this time, a motion was made by Renee Mischel, 2nd by Shen Smith to adjourn. **MOTION CARRIED: Yes-7, No-0**

Meeting was adjourned at 8:10 pm.

Respectfully submitted,

Shen Smith, Secretary