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

7/2/90

THE REGULAR MONTHLY MEETING OF THE ELK RAPIDS PLANNING COMMISSION WAS CALLED TO ORDER AT 7:30 P.M., JULY 2, 1990, AT THE ELK RAPIDS TOWNSHIP HALL, ELK RAPIDS, MICHIGAN.

ROLL CALL:	PRESENT	BILL WHITE BOB BRUGGER TODD PARENT DICK JOBE SHEN SMITH
	ABSENT	DEAN VELIQUETTE

A QUORUM WAS ESTABLISHED. ALSO PRESENT, KEN SMITH AND APPROX. 20 OTHER PERSONS.

BILL WHITE TOOK THE FLOOR TO ANNOUNCE THAT HE HAS RECEIVED AND ACCEPTED A LETTER OF RESIGNATION FROM BUD TOWNSEND FROM THE PLANNING COMMISSION.

MOTION WAS MADE BY DICK JOBE, SECONDED BY BOB BRUGGER, TO OPEN NOMINATIONS FOR THE VACANT CHAIR POSITION AND TO NOMINATE TODD PARENT AS A CANDIDATE FOR THIS POSITION. MOTION CARRIED

A MOTION WAS MADE BY DICK JOBE, SECONDED BY BOB BRUGGER, TO CLOSE THE NOMINATIONS AND APPROVE THE APPOINTMENT OF TODD PARENT TO THE CHAIR POSITION. MOTION CARRIED

THE NEWLY APPOINTED CHAIRMAN ASKED FOR THE FIRST ORDER OF BUSINESS FOR THE EVENING. BOB BRUGGER POINTED OUT THAT THIS MEETING IS BEING TAPED.

DANIEL & MARILYN PATTERSON - SPECIAL USE PERMIT PUBLIC HEARING

THIS PUBLIC HEARING IS TO CONSIDER THE REQUEST OF DANIEL AND MARILYN PATTERSON FOR A SPECIAL USE PERMIT TO ALLOW TEMPORARY OCCUPANCY OF A TRAVEL TRAILER DURING THE CONSTRUCTION PHASES OF THEIR PERMANENT RESIDENCE ON THEIR PROPERTY (TAX #05-06-032-010-20) LOCATED OFF US 31 SOUTH, WILLIAMSBURG, MICHIGAN 49690.

TODD PARENT ASKED MR. PATTERSON TO EXPLAIN HIS TIME FRAME SCHEDULE TO THE PUBLIC HEARING. MRS. PATTERSON PRESENTED A PLOT PLAN SHOWING THE RELATIONSHIP OF THEIR PROPERTY TO THE ADJACENT NEIGHBORS.

KEN SMITH SPOKE INDICATING THAT HE IS IN FAVOR OF AMENDING THE ORDINANCE TO INCLUDE TEMPORARY DWELLING UNITS FOR A GIVEN TIME PERIOD. HE ALSO INDICATED THIS TRAILER HAS BEEN ON THE PATTERSON PROPERTY FOR A PERIOD OF TWO YEARS TO DATE WITH NO PROGRESS MADE TOWARD CONSTRUCTING A PERMANENT DWELLING. HE STATED THAT HE HAS SITED THE PATTERSON'S FOR THE IMMEDIATE REMOVAL OF THIS TRAILER IF A SPECIAL USE PERMIT IS NOT GRANTED.

STEVE MATEN, A NEIGHBOR WITHIN 300' SPOKE IN FAVOR OF THE SPECIAL USE PERMIT. RICHARD SANDERSON, A NEIGHBOR WITHIN 300' SPOKE THAT HE WOULD NOT BE OPPOSED IF THIS WERE AN EMERGENCY SITUATION OR A CONSTRUCTION UNIT, BUT WOULD NOT BE IN FAVOR OF THIS REQUEST AS IT IS FOR THE CONVENIENCE OF THE PATTERSON'S NOT A NECESSITY.

A QUESTION WAS RAISED BY SHEN SMITH IN REFERENCE TO THE SUBMITTED TWO YEAR TIME SCHEDULE REGARDING THE CONSTRUCTION OF AN ACCESSORY POLE BARN PRIOR TO THE CONSTRUCTION OF THE RESIDENCE. IT WAS POINTED OUT THAT SECTION 7.01 OF THE ORDINANCE DOES NOT ALLOW ACCESSORY BUILDINGS WITHOUT A RESIDENCE.

BILL WHITE SUGGESTED THAT AN AMENDMENT TO THE ORDINANCE MAY BE IN ORDER TO ALLOW A SIX MONTH PERIOD FOR TEMPORARY DWELLINGS OF THIS NATURE. MRS. PATTERSON REQUESTED THAT THE COMMISSION CONSIDER THE QUESTION OF THE AMOUNT OF ACREAGE INVOLVED IN THEIR REQUEST.

A MOTION WAS MADE BY BILL WHITE, SECONDED BY BOB BRUGGER, TO DENY THE PATTERSON'S REQUEST FOR A SPECIAL USE PERMIT FOR THE OCCUPANCY OF A TRAVEL TRAILER DURING A TWO YEAR CONSTRUCTION PHASE. MOTION CARRIED

REQUEST FOR WAIVER OF DEVELOPMENT PLANS ON APPLICATION TO REZONE R-3 PROPERTIES TO R-1

A LETTER FROM THOMAS SCHLUENTZ, ATTORNEY REPRESENTING THE JUNIPER HILLS OT OWNERS GROUP, BRAMBLETT, STREIT, LEHTOLA AND DAME, REQUESTING A JAIVER OF A DEVELOPMENT PLAN AS THE PROPERTY OWNER'S IN QUESTION DO NOT PLAN ON ANY DEVELOPMENT, BUT SIMPLY WANT TO REZONE THOSE R-3 PORTIONS OF THEIR ALREADY DEVELOPED PROPERTY TO R-1. THE LETTER FURTHER STATES THAT A DEVELOPMENT PLAN WOULD BE UNNECESSARY AND SERVE NO USEFUL PURPOSE.

A MOTION WAS MADE BY BILL WHITE, SECONDED BY BOB BRUGGER, TO GRANT THE REQUESTED WAIVER OF A DEVELOPMENT PLAN. MOTION CARRIED

DISCUSSION DETERMINED THAT THE PUBLIC HEARING ON THIS PROPOSAL SHALL BE SCHEDULED FOR THE NEXT REGULAR MEETING WHICH WILL BE MONDAY, AUGUST 6, 1990 AT 7:30 P.M.

LEONARD HERMAN CONDOMINIUM PROJECT

A MOTION WAS MADE BY BOB BRUGGER, SECONDED BY BILL WHITE, THAT WE ACCEPT MR. LEONARD HERMAN'S REQUEST TO WITHDRAW HIS P/D REZONING APPLICATION. MOTION CARRIED

BILL DERMAN HAS FORWARDED TO THE PLANNING COMMISSION A NEW APPLICATION FROM MR. HERMAN FOR THE REZONING OF THOSE PORTIONS OF HIS PROPERTY ZONED R-1 TO R-3. SHEN SMITH STATED THAT JOE FISHER, ATTORNEY FOR LEONARD HERMAN, HAS REQUESTED THE EARLIEST POSSIBLE DATE FOR THE NEW PROPOSAL TO BE SCHEDULED FOR NOTICE AND PUBLIC HEARING. DISCUSSION REGARDING PLANNING COMMISSION VACANCIES AND ABSENTEES BETWEEN JULY 27 & AUGUST 15TH, RESULTED IN A DECISION TO SCHEDULE THIS HEARING FOR AUGUST 16, 1990 'HEN WE WILL AGAIN HAVE A FULL BOARD. IT WAS NOTED THAT THOSE MEMBERS .ITH EXPIRING TERMS ARE REQUIRED TO ATTEND UNTIL COMPLETION OF THIS PROJECT.

CHAIRMAN PARENT WILL CONTACT MR. FISHER TO ADVISE HIM OF THE VACANCY AND ABSENTEE PROBLEM THAT CURRENTLY EXISTS.

DISCUSSION ON MR. HERMAN'S REQUEST FOR REFUND ON THE DIFFERENCE BETWEEN A P/D APPLICATION FEE AND A REGULAR REZONING FEE RESULTED IN A DETERMINATION THAT THE PLANNING COMMISSION IS NOT AUTHORIZED TO ISSUE ANY REFUNDS. A MOTION WAS MADE BY SHEN SMITH, SECONDED BY BOB BRUGGER TO REFER THIS MATTER TO THE TOWNSHIP BOARD FOR THEIR AGENDA. MOTION CARRIED

ZONING AMENDMENTS FROM 1979-1990

A LIST OF THIRTEEN ZONING AMENDMENTS WHICH BILL DERMAN FEELS MAY NOT HAVE RECEIVED PROPER PUBLICATION FOR THEIR ENACTMENT WERE REVIEWED AND DISCUSSED. KEN SMITH WAS OF THE OPINION THAT PUBLICATION OF THE APPROVAL OF THESE AMENDMENTS IN THE MINUTES OF A TOWNSHIP BOARD MEETING WOULD BE SUFFICIENT. BILL WHITE FELT THIS MATTER SHOULD BE DISCUSSED BY THE TOWNSHIP BOARD. A MOTION WAS MADE BY SHEN SMITH, SECONDED BY BOB BRUGGER, TO REFER THIS MATTER BACK TO THE TOWNSHIP BOARD FOR FURTHER STUDY. MOTION CARRIED

CHAIRMAN PARENT WILL ALSO ADVISE MR. FISHER OF THIS POSSIBLE PROBLEM AS ONE OF THE 13 AMENDMENTS WHICH MR. DERMAN FEELS HAS NOT RECEIVED THE PROPER NOTIFICATION AND PUBLICATION WOULD DIRECTLY AFFECT MR. HERMAN'S PROPOSAL.

MINUTES OF 5/17/90 - SPECIAL HEARING

MOTION WAS MADE BY BILL WHITE, SECONDED BY BOB BRUGGER, TO APPROVE THESE MINUTES WITH THE PUBLISHED CORRECTIONS. MOTION CARRIED

MINUTES OF 6/4/90 - REGULAR MEETING

A MOTION WAS MADE BY BOB BRUGGER, SECONDED BY BILL WHITE, TO APPROVE THESE MINUTES AS PUBLISHED. MOTION CARRIED

MINUTES OF 6/21/90 - CONTINUATION OF SPECIAL MEETING OF 5/17/90

A MOTION WAS MADE BY BILL WHITE, SECONDED BY BOB BRUGGER, TO DELETE ALL TEXT FROM THE MINUTES OF 6/21/90 WHICH OCCURRED AFTER THE ADJOURNMENT BY BUD TOWNSEND, AND TO APPROVE THE MINUTES AS AMENDED. MOTION CARRIED

DUTIES OF THE CHAIR AND SECRETARY OF THE PLANNING COMMISSION

KEN SMITH READ A STATEMENT FROM ROBERT'S RULES REGARDING THE DUTIES OF THE CHAIR AND SECRETARY. IT WAS DETERMINED THE BY-LAWS FOR PLANNING COMMISSIONS SHALL BE THE POLICY FOR ALL BUSINESS OR ACTION. ALL CORRESPONDENCE SHALL BE DIRECTED TO THE OFFICE OF THE SECRETARY FOR DISEMINATION TO THE PLANNING COMMISSION. AN AGENDA SHALL BE DRAFTED BY THE SECRETARY OF ALL CURRENT BUSINESS TO BE CONDUCTED FOR EACH MEETING. THE CHAIR SHALL HAVE THE RIGHT TO ADD FURTHER ITEMS OF BUSINESS TO THE AGENDA AS THE CHAIR DEEMS NECESSARY.

ZONING APPLICATION FORM

THE SECRETARY PRESENTED A COPY OF THE NEWLY DRAFTED ZONING APPLICATION 'ORM FOR THE APPROVAL OF THE COMMISSION. SHEN STATED THAT BOTH BILL DERMAN AND KEN SMITH HAVE LOOKED OVER AND APPROVED THE APPLICATION AS TO CONTENT AND WORDING. CHAIRMAN PARENT INSTRUCTED THE SECRETARY TO DISTRIBUTE COPIES OF THE APPLICATION FORM TO ALL MEMBERS OF THE COMMISSION WITH THE MINUTES OF THIS MEETING.

CRAIG BROWN - SPECIAL USE PERMIT

KEN SMITH INFORMED THE PLANNING COMMISSION THAT HE HAD REQUESTED THE ATTENDANCE OF CRAIG BROWN AT THIS MEETING TO DISCUSS CERTAIN ISSUES THAT HAVE NOT BEEN CARRIED OUT BY MR. BROWN. CHAIRMAN PARENT REQUESTED MR. SMITH AGAIN TRY TO GET MR. BROWN TO ATTEND A MEETING TO DISCUSS HIS SPECIAL USE PERMIT.

SITE CONDOMINIUMS

KEN SMITH STATED THAT A SITE CONDOMINIUM ORDINANCE IS NEEDED FOR THE TOWNSHIP, A SITE PLAN REVIEW ORDINANCE AND FURTHER REVIEW OF A SUB-DIVISION ORDINANCE. AFTER DISCUSSION, CHAIRMAN PARENT INSTRUCTED KEN SMITH TO OBTAIN A COPY OF THE COMMERCE TOWNSHIP SITE CONDO ORDINANCE FOR REVIEW AT THE 8/6/90 REGULAR MEETING.

ER ZONING ORDINANCE

KEN SMITH INDICATED THAT SECTION 2.12 OF OUR ORDINANCE ALLOWS SHORELINE CONTROL OF THE INLAND LAKES WITHIN THE TOWNSHIP BUT NO CONTROL OVER THE HORELINE OF THE BAY. A QUESTION WAS RAISED TO ELIMINATE THE WORD INLAND" FROM SECTION 2.12 (B). CHAIRMAN PARENT REQUESTED THE SECRETARY CONTACT BILL DERMAN FOR AN ANSWER TO THIS QUESTION.

A QUESTION WAS RAISED BY RICHARD HULTS AS TO THE NECESSITY OF A VOTE BY THE PLANNING COMMISSION TO ACCEPT THE RESIGNATION OF BUD TOWNSEND. BILL WHITE CLARIFIED FOR MR. HULTS THAT A RESIGNATION FROM OR APPOINTMENT TO THE COMMISSION IS A DUTY ASSIGNED TO A TOWNSHIP SUPERVISOR AND REQUIRES NO ACTION FROM THE ACTUAL COMMISSION ITSELF.

AS THERE WAS NO FURTHER BUSINESS, A MOTION WAS MADE BY BOB BRUGGER, SECONDED BY BILL WHITE, TO ADJOURN. MOTION CARRIED

CHAIRMAN PARENT ADJOURNED THE MEETING AT 9:50 P.M.

RESPECTFULLY SUBMITTED,

Shen B. Smith

SHEN B. SMITH
SECRETARY