Elk Rapids Township Planning Commission
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June 7, 2005

The Regular Monthly Meeting of the Elk Rapids Township Planning Commission was called to order by Secretary Shen Smith in the absence of Chairman, Renee Mischel on Tuesday, June 7, 2005, at 6:30 PM, at the Government Center, 315 Bridge Street, Elk Rapids, MI. The secretary then appointed Emile Sabty to act as chairman for this meeting.

Present: Emile Sabty, Shen Smith, Don Glowicki, Jr., Wm. Larson, Jim Lundy, & Tom Dame. Absent: Renee Mischel. A quorum was established. Also Present: Len Harrett, Lukas Hill, Ron Shoal, Pat Brady, Brian Altonen, Gourdie Frasier Staff, Roger Booth, and Dan Soper.

Minutes of May 2005 Meeting: A motion was made by Don Glowicki, Jr., 2nd by Tom Dame to approve the minutes as published. **MOTION CARRIED: Y-6 N-0**

FINAL REVIEW FOR RON SHOAL R-2 Site Condo A motion was made by Emile Sabty, 2nd by Shen Smith to untable and review for final approval the proposed Ron Shoal, Shoal Construction, Inc. final site plan for a six acre residential site condominium project proposing to subdivide at 10984 S. Elk Lake Road, Williamsburg, Mi. **MOTION CARRIED, Y-6, N-0** The project is for 6-lots residential site condominium as a permitted use under the requirements of Chapter 8 "R-2" – Residential – One Family and Two Family Zone of the Township Ordinance. The lots would each contain either a single-family or a two family dwelling unit as permitted by the ordinance. Current zoning classification is R-2 (duplex/multiple family homes), tax number 05-06-028-020-00. Proposed use would be for a six lot condominium ownership subdivision

All supporting documentation was reviewed, with notations that there are still some outstanding, unfinished and a missing support document for this proposal, i.e. Health Department paperwork was not complete Attached herewith is Memo from Lukas Hill dated June 7, 2005, which was discussed item by items, with **#8 being deleted** from consideration. A new item requiring the Township Board along with the Township engineer **to establish and set a performance bond for the project**. **Number 11** to require that the wording "All the improvements shown hereon need not be built" to be removed from the plans. Recommendations from the Elk Rapids Township Attorneys regarding Master Deed were reviewed.

Health Department letter requests that all basins reflected on the site plan be relabeled to reflect that they are actually "detention basins" not "retention basins". Site plan needs to indicate the unit layout, soil excavation locations, soil information, storm water structures and initial and replacement drain field locations ALL ON ONE PAGE, and that the site plan must be signed by the registered surveyor or engineer and must bear the seal of the surveyor or engineer. These requirements will be incorporated in to final approval.

Following review, two motions were made regarding final approval, as follows:

MOTION #1 CONDOMINIUM SITE PLAN REVIEW A motion by Emile Sabty, 2nd by Jim Lundy, that the Elk Rapids Township Planning Commission approve the Shoal North Site Condominium site plan & all supporting and attached documentation with the below conditions pertinent to the site plan being **completed or corrected and reviewed by the Zoning Administrator:**

1. Any erosion or sedimentation on adjoining properties caused by this project both during and after completion shall be immediately repaired to the satisfaction of the Antrim County Soil Erosion Control Office The developer will be responsible for damages done to adjoining properties caused by erosion or sedimentation. Additionally, the developer shall be responsible for establishment of good vegetative cover after construction to prevent erosion and discharge of sediments off the site;
2. The pole barn/garage located on Unit #2 shall be vacated and not used in any manner by the property owner until a new residence (Principle structure) is built on Unit #2;
3. The Condominium Subdivision Plan, as presented and modified, cannot be amended or modified without Elk Rapids Township approval;
4. A copy of any amendments to he proposed Master Deed and/or Consolidating Master Deed shall be provided to Elk Rapids Township;
5. That the Township Board with the assistance of the engineers establish and set a Performance Bond for the project;

6. Since the Township Ordinance requires inspections of the private roads by the Zoning Administrator and Township Engineer, a schedule of construction improvements should be provided to the Township Zoning Administrator and inspections planned based on this information;
7. Conditional health department approval to be provided prior to Township Board review;
8. Under the road construction notes on sheet 2, notes 4,6, and 7, it is to be indicated that the Elk Rapids Township Engineer and Zoning Administrator are also part of the inspection process;
9. Lyn's Court will be indicated as a private road on all sheets;
10. A note will be added to state that all utilities will be placed underground;
11. A seal from the professional engineer will be provided on all sheets of the approved site plan;
12. All comments and concerns of the Elk Rapids Township Attorney will be satisfied prior to Township Board review;
13. The pole barn needs to be indicated as such on sheet 3 of the recording documents;
14. The statement "All the improvements shown hereon need not be built," as reflected on the recording documents will be removed from those documents;
15. The master deed will have a reference to the site plan that is being considered for approval by the Township, and this is were construction details and Township requirements are illustrated and noted;
16. Section 5.1 of the master deed will also refer to the building envelopes as illustrated on the site plan;
17. Site plan will indicate the unit layout, soil excavation, locations, soil information, storm water structures and initial and replacement drain field locations ALL ON ONE PAGE, and that the site plan must be signed by the registered surveyor or engineer and must bear the seal of the surveyor or engineer.

MOTION CARRIED, Y-6, N-0

MOTION #2 SITE CONDOMINIUM DEVELOPMENT & PRIVATE ROAD: A motion was made by Emile Sabty, 2nd by Don Glowicki, Jr. that the Elk Rapids Township Planning Commission recommends approval to the Elk Rapids Township Board of the Shoals North Site Condominium development and private road with the condition that all above items in Motion #1 be completed and corrected and reviewed by the Township Zoning Administrator prior to the Township Board review. **MOTION CARRIED, Y-6, N-0**

ALTONEN P-D SKETCH RENEWAL: Brian Altonen was present as requested to answer any questions regarding the Altonen P/D approved in 1996. Ordinance Section 13.03 A grants the P/D owner the right to apply for time extensions. Emile Sabty expressed concern regarding the size of the 96 sq ft sign granted as part of Condition #11. He indicated that the sign ordinance was changed to only allow 50 sq feet of signage. Shen Smith, who was on the planning commission for this P/D Review indicated that if you would read carefully condition #11 it says:

"Proprietors identification signage along US-31 is limited to two (2) signs (1st sign – 96 sq ft., 2nd sign – 50 sq ft).

The original terms of the Altonen P/D strictly limited the number of commercial operations to only eight (8) along US-31 covering approximately 1,600 feet. The use of the word "proprietors identification signage" meant, plural, that all eight commercial businesses were only allowed two signs total in the approx 1,600 feet of US-31 frontage, with the 1st identification sign of 96 sq feet, and a second smaller sign of 50 sf. Reading condition #11 carefully it does NOT say that each of the eight commercial businesses would be allowed two signs, it says that the entire project is only limited to two signs. Shen Smith asked the Planning Commission to not throw out the baby with the bath water, as this project limits the number of units to eight in 1600 feet, where if the project were to not be renewed and the property were to revert to the underlying zoning, there could end up being 16 driveways, and 16 50 sq signs every 100 feet from Townline Road north for 1600 feet. Don Glowicki, Jr. made a motion to recommend a renewal for an additional year for the Altonen P/D and that Lukas Hill make a review of the P/D to see if there might be any changes to the ordinance since the original approval that would need to be corrected on the P/D. **MOTION CARRIED, Y-6, N-0.**

North Bay Shore Lot Split/Site Condominium: Kevin Egnatuk presented a survey for a large bay front lot on North Bayshore Drive, requesting a possible consideration for a lot split/site condominium project. After review of the square footage for the lot, it was determined that the lot meets the requirements for lot split/site condo. Mr. Egnatuk will submit his proposal when he has the paperwork ready for a public hearing.

Proposed Ordinance Text Amendments:

Section 6.02-A-3 – Two (2) side yards totaling at least seventy (70) feet, the minimum of each side yard shall be thirty five (35) feet.

Section 7.02-B – Two (2) side yards totaling at least twenty (20) feet, the minimum of each side yard shall be ten (10) feet.

Section 8.03-B-2 -- Two (2) side yards totaling at least twenty (20 feet, the minimum of each side yard shall be ten (10) feet.

Section 8.04-B-2 -- Two (2) side yards totaling at least twenty-five (25) feet, the minimum of (1) side yard shall be ten (10) feet and the other side yard shall be fifteen (15) feet.

Section 10.03-A-3 -- Side Yard – Two (2) side yards totaling (20) feet, the minimum of each side yard shall be ten (10) feet.

Section 16.11-C- -- Proposed Signage shall…….with the requirements of Township Zoning Ordinance Chapter 3. This replaces Chapter 14 with Chapter 3.

A motion was made by Shen Smith, 2nd by Tom Dame to approve the above proposed Ordinance text amendments and send them for public hearing with the next scheduled public hearing. **MOTION CARRIED, Y-6, N-0.**

Approved Proposed Text Amendment Section 3.02-B – Farm Market Signs. There was concern expressed regarding the number of farm market signs that would be allowed to exist on Ag property seasonally. This issue will be considered at a later meeting.

Accessory Structures Amendment Text: Review of Lukas Hill Memo dated May 2, 2005 was started. **Section A** – 2nd sentence was deleted. Wm Larson questioned whether an attached OR detached garage should actually be considered as an "accessory structure", or is it a normal and usual part of a primary structure/home. Consensus of the Planning Commission was that a garage whether attached or detached is not an accessory structure; and that there are no attached accessory structures as any accessory structure would be detached. Ordinance will need modification to remove private garages from the accessory structure classification. **Section A** will need to be reworked to remove reference to private garages. **Section B** – okay as written. **Section D is okay as written**. **Section E** – Planning Commission felt this section was incorrect regarding percentage / sq footage as it doesn't reference the size of the lot and is very restrictive for large lots within the Township. The original purpose of revising the Accessory Structures" section was to try and keep open space proportional on all lots, and especially on the extremely undersized lots in the Township. It was determined this section needs serious consideration and some form of consensus from the Planning Commission as the proposed schedules are not workable as proposed to a majority of the PC member. Further discussion was tabled.

As there was no other business at this time, a motion was made by Shen Smith, 2nd by Tom Dame. to adjourn. **MOTION CARRIED**: Y-6, N-0.

Meeting was adjourned at 9:25 PM.

Respectfully submitted,

Shen Smith
Secretary