Elk Rapids Township Planning Commission
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April 6, 2004

The regular monthly meeting of the Elk Rapids Township Planning Commission was called to order at 6:30 PM, on Tuesday, April 6, 2004, at the Elk Rapids Township Hall, Corner of Spruce & River Streets, Elk Rapids, MI. 49629. Present: Emile Sabty, Shen Smith, Harry Potter, & Jim Lundy. Absent: Tom Dame, Don Glowicki, Jr. A quorum was established. Also present: Len Harrett, Lukas Hill, Patl Brady, Norbert Rook, Bob Streit, Jay Merchant, and Jack & Nina Palazzola.

PUBLIC HEARING #1: SITE PLAN REVIEW & SPECIAL EXCEPTION HEARINGS – Twisted Fish Gallery

The purpose of these hearings will be to conduct a Site Plan Review Hearing and a Special Exception Hearing for applicant Robert G & Charlotte M. Streit (East Bayshore Properties LLC (owner) and Twisted Fish Gallery LLC (tenant), for property located at 10437 S. Bayshore Drive, Elk Rapids, Mi. 49629. Property Tax Number – 05-06-029-007-00. Site plan review is for the opening of a new business at this location with the Special Exception request for outside storage and display. Proposed is the construction of a gazebo and the outside display of artistic sculpture works in the lawn and garden areas. Some of the proposed sculpture works may require low level lighting.

SITE PLAN REVIEW: The public hearing was opened. No correspondence was received. Applicant Streit discussed the proposed project indicating that the business will continue to sell flowers in addition to artwork and sculptured statuaries. Mr. Streit indicated that a gazebo is proposed for the property and that parking would not be a concern. Lightening was discussed regarding the inclusion of low level "garden type lightening". Discussion from the public included questions regarding the: 1) type of art (obscene); 2) lightening which might hinder drivers on US-31; 3) Number of employees; and 4) sign placement. A motion was made by Renee Mischel, 2nd by Shen Smith to close the public hearing. **MOTION CARRIED: 7-5, NO-0**

OUTSIDE STORAGE & DISPLAY HEARING: The pubic hearing for the Special Exception for outside sales & display was opened to the public. No correspondence was received. A motion was made to close the public hearing and table further discussion of Outside Storage & Display until the next meeting. **MOTION CARRIED: Y-5, N-0**

Lukas Hill reported on the status of the non-conforming residence located on the commercially zoned property indicating that the house and business are two separate entities and this is a combination of uses. The following questions were raised which will need to be addressed - gazebo will need to be placed specifically on the final site plan, and no setback lines are indicated on the site plan.

Emile Sabty reported on the "Thru The Grapevine" zoning history with a report that site plan review on the project was never completed in the 1990's. There is still a question regarding the US-31 highway right of way, and the non-conforming shed on the property. A motion was made by Shen Smith, 2nd by Emile Sabty to table further discussion and consideration of the project while Mr. Streit coordinates with Lukas Hill to make indicated modifications, additions and correction to the Site Plan for the next meeting. **MOTION CARRIED: Y-5, N-0**

Un-Tabled From September 2, 2003 Public Hearing**:** NON-COFORMING STRUCTURE UPGRADE FROM CLASS "B" TO CLASS "A" - Margo Jonker, 4691 Cardinal Drive, Mt. Pleasant, Mi. 48858, for a Non-Conforming Structure Up-grade from Class "B" to Class "A" for property located at 7455 Terrace Avenue, Elk Rapids, Mi 49629, Lot #13 & 14 of Maple Harbor, situated on Lot 1 of Section 11 and the Northeast quarter of Section 10, Town 29 North, Range 6 West, Antrim County, Michigan. Property tax number: 05-06-475-010-00. Request for consideration in order to remodel the non-conforming structure located on the property.

Discussion regarding the location of fence which resides on the property line – fence will be moved or removed by property owner. Outside stairs serving the second story of a single family home is a rare improvement and the applicant needs to clarify why an outside staircase is necessary when stairs will be available internally and the inclusion of an outside staircase increases the degree of nonconformity – property owner indicated they would be used for access to the 2nd floor storage area and as an extra exit. Emile Sabty asked of the property owner if the structure was being created as a rental property. Property owner indicated that the structure would not be used as a rental. After further discussion, a motion was made by Renee Mischel, 2nd by Shen Smith, that the upgrade from Class "B" to Class "A" would be approved for expanding the structure without increasing the footprint with the following conditions:

1. The existing boundary fence will be moved or removed;
2. There will be no outside stairway for 2nd story access allowed;
3. The nonconforming single stall garage on the site will not be upgraded;
4. There will be no rental use of the primary structure; and
5. That the nonconformity does not interfere with the public health, safety or welfare.

MOTION CARRIED: Y-5, N-0

Un-Tabled from August 5, 2003 Public Hearing: NON-CONFORMING STRUCTURE UPGRADE FROM CLASS "B" TO CLASS "A", for Kristin Keskey, MD, 5815 Winkler Mill, Rochester, MI 48306, for property located at 6474 Birch Lake Road, Kewadin, Mi 49648 – Property tax #05-06-003-018-00. Proposal under consideration is for the addition of a garage.

Norbert Rook, representing the property owner discussed the proposed addition to the primary structure indicating that a garage would be added to the primary structure with two bedrooms and a bath in the 2nd story of the garage. That the existing nonconforming shed would be removed, and that ½ log siding to make the addition comparable to the primary structure would be added. It was noted that the original site plan did not contain an official engineering stamp.

A motion was made by Emile Sabty, 2nd by Jim Lundy to approve the pending proposal. An additional motion to amend the primary motion was made by Shen Smith, 2nd by Harry Potter to approve the primary moption with the addition of the following approval conditions:

1. No building permit to be issued until a sealed site plan has been received which indicates the exact location of the driveways (ingress & egress) and the exact setback measurements for the structure from the property lines;
2. That the existing nonconforming shed will be removed from the property;
3. That the addition siding would be ½ log siding comparable to the primary structure;
4. and that the final footprint for the primary structure including the addition would be at a minimum 960 sf

MOTION ON THE PROPOSED AMENDMENT – CARRIED: Y-4, N-0, ABSTAIN-1
PRIMARY MOTION – CARRIED – Y-4, N-0, ABSTAIN-1

PUBLIC HEARING #2: JAY MERCHANT BUILDERS. The purpose of this hearing will be to conduct a Site Plan Review Hearing for applicant Jay Mercant), 11691 Indian Road, Kewadin, Mi. 49648, for property located at (J. Merchant Builders) 8692 Cairn Highway, Elk Rapids, Michigan 49629. Property Tax Number – 05-06-015-027-00. Site plan is for the construction of a new office and workshop, ER Rentals (office, retail & workshop) on the existing commercial site. The hearing was opened to the public. No correspondence was received. Jay Merchant presented his site plan to the Planning Commission indicating that the dumpster has been relocated since the preliminary site plan review. A motion was made by Renee Mischel, 2nd by Emile Sabty to close the public hearing: **MOTION CARRIED: Y-5, N-0**

Discussion: Lukas Hill Memorandum dated April 1, 2004 was reviewed items 1-11:

1. The applicant as illustrated 17 parking spaces, four of which are reserved for future use or overflow, if necessary. A note should be added to the site plan that states when these over flow spaces will be developed. We also recommend that the Planning Commission have the authority to require the development of these spaces if there is substantial evidence that they become necessary.

2. The parking lot surface is noted to be processed 22A gravel. The applicant should provide information as to how or if the parking spaces will be marked on site. While gravel parking lots are allowed in commercial district, we would recommend that the lot be paved with a bituminous surface if heavy traffic volumes are anticipated on site. If the site is eventually improved with a bituminous surface, the runoff calculations will likely change and storm water controls may need to be improved. . (***Drive surface to be gravel***)

3. The dumpster is located in front of the handicapped accessible parking space which may cause interference with garbage pick up. It may be more appropriate to locate the dumpster to the rear of the site and fence all four sides of the dumpster reducing visual impact. ***(Already Added to New Site Plan)***

4. Section 14.05 requires one off street loading space that is 10 feet wide, 25 feet long, and 14 feet in height. This space, along with the maneuvering lane, must be illustrated on the site plan. ***(Already Added to New Site Plan)***

5. The site plan illustrates a large open gravel area to the rear of the parcel. The intended use of this area should be noted on the site plan. If outdoor storage of equipment is anticipated, this use needs to be approved as a similar use by the Planning Commission and will likely need to be appropriately screened with fencing and/or landscaping. (***Equipment Outdoor Storage would be limited to licensed vehicular equipment.***).

6. The site plan indicates a "pit well" in the rear gravel area of the site. This location seems inappropriate if vehicles will be using this area. A letter from the Health Department approving this location should be submitted to the Planning Commission for review.

7. The retention basin is stated to be 18" deep and 470' long. It is obviously not possible for the basin to 470' long. This number should be corrected. ***(corrected to 35' long instead of 470')***

8. The site plan indicates a landscaped berm along the edge of the parking lot. The site plan should indicate the type and size of landscaping on the berm. We recommend that the landscaping include some evergreen trees to minimize the visual impacts to adjacent properties***. (No Additional landscaping will be required on the berm).***

9. Since the parcel has residential land uses (nonconforming) on both sides, it is recommended that the south side of the lot also be landscaped to soften the intensity of the metal buildings, however, the drainage swale in this location may make it difficult to plant vegetation in this area and may need to be reconfigured. We would also recommend an earthen tone color for the metal buildings to blend in with the surrounding environment. ***(**See comments and #9 amendment below***)

10. The "Building Use and Size" chart on sheet A2 states that the first and second floor office is 500 square feet. The drawing on the same page illustrates the office square footage to be 345 square feet. Sheet A5 illustrates the office to be 400 square feet. These calculations should all be consistent on each page.

11. The seal of the registered professional who prepared the plan needs to be on the site plan.

· *** Jim Lundy indicated that it was unfair to penalize a property applicant for non-conforming properties next to a conforming property and requested that #9 be amended to remove reference to "landscaping between commercial to commercial properties". A consensus of the Planning Commission indicated that landscaping between C zone & C zone would not be required. Still on #9, the applicant will define what color "earthtone" is, and provide the wall, door and roof color on the site plan.*

A number 12 & 13 are being added to the areas needing correction on the final site plan:

12. Lights & Sign. A check of the Wandawood lighted sign for bulb wattage will be investigated, as the Merchant final site plan should not exceed the sign and wall fixture wattage of Wandawood Resort's sign. Wall lighting will not exceed 100 W sodium on the building outside walls.

13. More detailed description will be provided outlining the various mixed commercial uses that will be housed on this commercial property.

A motion was made that the final site plan approval be granted to Jay Merchant Builders with the final site plan incorporating all of the above (1-13) concerns either as stated or as amended by the Planning Commission prior to the issuance of any building permits. **MOTION CARRIED: Y-5, N-0**

MINUTES OF THE FEB 3, 2004 & MARCH 2, 2004 MEETINGS: A motion was made by Emile Sabty, 2nd by Jim Lundy to approve the February & March minutes as published. **MOTION CARRIED: Y-5, N-0**

As the time was getting late, Chairman Mischel requested a special study meeting specifically for review of the Non-Conforming Class"B" to Class "A" proposed section text for Thursday, April 15, 2004 at 3:00 PM. Legal meeting notices will be posted on the Townhall and in the US Post Office.

A motion was made by Shen Smith, 2nd by Renee Mischel to adjourn. **MOTION CARRIED: Y-5, N-0**

Meeting was adjourned at 10:15 PM.

Respectfully submitted,

Shen Smith
Secretary