ELK RAPIDS TOWNSHIP PLANNING COMMISSION
ZONING BOARD
SHEN B. SMITH, SECRETARY
P.O. BOX 175 - ELK RAPIDS, MICHIGAN 49629

MINUTES OF THE NOVEMBER 7, 1989 MEETING OF THE ER PLANNING COMMISSION

THE MEETING WAS CALLED TO ORDER BY THE CHAIRMAN, BUD TOWNSEND, AT 7:30 PM ON NOVEMBER 7, 1989.

ROLL CALL: PRESENT
BUD TOWNSEND
DICK JOBE
BOB BRUGGER
TODD PARENT
SHEN SMITH

ABSENT
DEAN VELIQUETTE
BILL WHITE

ALSO PRESENT: KEN SMITH, JOHN & CATHY DOLCHEK, JACK GLEAZEN, KEN ASHETON AND RICHARD SMITH

A QUORUM WAS ESTABLISHED

READING OF THE MINUTES

AS THE MINUTES OF THE LAST MEETING HAVE BEEN DISTRIBUTED, A MOTION WAS MADE BY BOB BRUGGER, SECONDED BY DICK JOBE, THAT WE DISPENSE WITH THE READING AND APPROVE THE MINUTES AS WRITTEN. MOTION CARRIED

HEARING #1 - SPECIAL USE PERMIT - JOHN & CATHY DOLCHEK (SUNSPROUTS, INC.)
CAIRN HIGHWAY, ELK RAPIDS, MI.

NO LETTERS WERE RECEIVED IN OPPOSITION TO THIS REQUEST FROM THE ADJACENT PROPERTY OWNERS, NOR THE PUBLIC AT LARGE.

BUD TOWNSEND READ THE PROPERTY DESCRIPTION AND PROPOSED REQUEST FOR A SPECIAL USE PERMIT FOR SUNSPROUTS, INC. KEN SMITH INDICATED THAT THE PROPERTY IN QUESTION IS CURRENTLY ZONED C-1, AND THE PROPOSED BUILDING CAN MEET ALL ZONING REQUIREMENTS WITH THE ONLY QUESTION UN-RESOLVED BEING THE FRONT YARD SET-BACK. THERE WILL BE NO OUTSIDE STORAGE AT THIS LOCATION.

A MOTION WAS MADE BY BOB BRUGGER, SECONDED BY DICK JOBE, THAT WE APPROVE A SPECIAL USE PERMIT FOR SUNSPROUTS, INC. TO CONDUCT BUSINESS (HYPONIC GROWTH OF SPROUTS FOR WHOLESALE) WITHIN A BUILDING TO BE CONSTRUCTED UPON THE PROPERTY IN QUESTION. MOTION CARRIED

HEARING #2 - SPECIAL USE PERMIT - RICHARD & SHEN SMITH (BOKHARA KENNELS)
11535 ELK LAKE ROAD, WILLIAMSBURG, MI

SHEN SMITH REQUESTED TO ABSTAIN ON ANY VOTING ON THIS ISSUE AS SHE WAS DIRECTLY INVOLVED. REQUEST WAS GRANTED. A QUORUM WAS RE-ESTABLISHED.

A LETTER WAS RECEIVED & READ TO THE BOARD FROM AN ADJACENT PROPERTY OWNER (JACK NESBITT) STATING THAT THE KENNEL OPERATION NEXT TO HIS PROPERTY WAS NOT DETRIMENTAL, NOR CAUSED HIM ANY PROBLEM. NO OTHER LETTERS WERE RECEIVED FROM ADJACENT PROPERTY OWNERS, NOR THE PUBLIC AT LARGE.

KEN SMITH STATED THAT HE HAD DONE A COMPLIANCE INSPECTION OF THE KENNELS ON COMPLETION OF THE BUILDING AND FOUND THE REQUIREMENTS OF THE 6/25/87 PLANNING COMMISSION COMPLETED.

A MOTION WAS MADE BY DICK JOBE, SECONDED BY BOB BRUGGER, THAT THE WORD TEMPORARY BE REMOVED, AND A REGULAR SPECIAL USE PERMIT BE GRANTED FOR THE OPERATION OF BOKHARA KENNELS AS ONE OF THE PERMITTED USES UNDER THE "A" - AGRICULTURAL ZONING. MOTION CARRIED

NEW BUSINESS

MR. JACK GLEASON ASKED THE PLANNING COMMISSION FOR A DETERMINATION ON THE ZONING OF HIS PROPERTY LOCATED NORTH OF INWOOD HARBOR. KEN SMITH GAVE MR. GLEASON COPIES OF THE PLANNING COMMISSION, ANTRIM CO., AND ELK RAPIDS TOWNSHIP BOARD MEETINGS WHERE THE PROPERTY IN QUESTION WAS RE-ZONED FROM "E" ENVIRONMENTAL TO " R-1 " - RESIDENTIAL IN 1987.

MONTHLY PLANNING COMMISSION MEETINGS - KEN SMITH REQUESTED THAT THE ER PLANNING COMMISSION MEET ON A MONTHLY BASIS YEAR ROUND TO WORK ON THE MASTER PLAN AND OTHER ORDINANCES THAT NEED WRITING AND UPDATING. A MOTION WAS MADE BY BOB BRUGGER, SECONDED BY TODD PARENT, THAT THE ER PLANNING COMMISSION MEET ON THE 1ST MONDAY OF EVERY MONTH.
MOTION CARRIED

UNFINISHED BUSINESS

BELCREST HOTEL WAS DISCUSSED - BAY VIEW CONDO. LOTS 33-34 TO BE EXCLUDED FROM THE R-1 REZONING OF THE "E" - ENVIRONMENTAL PROPERTIES BETWEEN NORTH SHORE DRIVE AND US 31 NORTH OF THE ER VILLAGE LIMITS. THE JOHN BOALS PROPERTY AND THE LOUIS TULPA PROPERTY IS TO BE CHECKED IN THE FILES FOR PRIOR ZONING CHANGES. IF THESE PROPERTIES WERE NOT PREVIOUSLY RE-ZONED, THEY WILL ALSO BE PUT ON THE LIST OF "E" PROPERTIES TO AGAIN GO INTO THE RE-ZONE PUBLIC HEARING. ALSO TO BE EXCLUDED IS THE LAMB/KALIS PROPERTY (PLANNED DEVELOPMENT ZONING) AND THE BILL BOYD PROPERTY (R-1 ZONING).

BED & BREAKFAST ORDINANCE -DISCUSSION ON THIS ORDINANCE WILL BE PLACED ON THE AGENDA FOR THE 1ST MONDAY OF THE MONTH MEETINGS, A PUBLIC HEARING WILL BE SCHEDULED WHEN PLANNING COMMISSION HAS HAD DISCUSSION AND APPROVAL OF THE PROPOSED CHANGES.

MASTER PLAN - DISCUSSION ON THE MASTER PLAN RESULTED IN A DECISION TO REQUEST FROM THE ER TOWNSHIP BOARD, THE ASSISTANCE OF A PROFESSIONAL PLANNER TO CONCEIVE AN OUTLINE THAT THE ER TOWNSHIP PLANNING COMMISSION CAN FOLLOW. THE SECRETARY WILL CONTACT THE ER TOWNSHIP BOARD TO REQUEST PROFESSIONAL HELP WITH THIS PROJECT.

MOBILE HOME ORDINANCE - KEN SMITH REPORTED THAT THE MOBILE HOME ORDINANCE NEEDS TO BE UPDATED.

SITE PLAN REVIEW - KEN SMITH REPORTED THAT A SITE PLAN REVIEW ORDINANCE NEEDS TO BE WRITTEN AND ADOPTED INTO THE CURRENT ZONING ORDINANCES.

ADDITIONAL TOPICS WHICH NEED WORK - DEFINE GREENBELT DEFINITIONS IN THE ZONING ORDINANCE, RESIDENTIAL LIVING IN COMMERCIAL ZONES, NOISE ORDINANCE AND YARD SALE ORDINANCE.

ANCIENT MARINER DRY DOCKS ASSOC. - KEN SMITH STATED THAT HE HAS MET WITH TED VELIQUETTE REGARDING VIOLATIONS OF ZONING ORDINANCE. KEN STATED THAT HE FELT THE PLANNING COMMISSION SHOULD CONSIDER GRANTING MR. VELIQUETTE ⌒MPORARY SPECIAL USE PERMIT FOR OUTSIDE STORAGE THROUGH THE WINTER ⌒ D ON THE FACT THAT BOATS, ETC. WAS GRANTED OUTSIDE STORAGE FOR THE SAME PURPOSE AS MR. VELIQUETTE HAD REQUESTED. MR. JOBE POINTED OUT THAT BOATS, ETC. WAS NOT IN VIOLATION OF ANY ORDINANCES AT THE TIME OF THEIR APPLICATION. MR. JOBE ASKED IF ANCIENT MARINER WAS STILL IN VIOLATION AT THIS TIME. KEN SMITH STATED THAT THE BOATS WHICH WERE OUT FRONT WITH FOR SALE SIGNS ON THEM HAD BEEN MOVED, THE ILLEGAL DRIVEWAY HAS BEEN CLOSED, BUT THERE ARE STILL BOATS IN THE BACK BEHIND THE SHEDS. KEN SMITH STATED THAT IT WASN'T FAIR TO MAKE MR. VELIQUETTE PLANT A GREENBELT WHEN BOATS, ETC. WASN'T REQUIRED TO TO HAVE ONE AROUND THEIR STORAGE AREA. MR. JOBE STATED THAT BOATS, ETC. WAS REQUIRED TO HAVE A GREENBELT BETWEEN THEIR "C" PROPERTY AND THE ADJOINING "R-1" PROPERTY AND THAT THEIR STORAGE IN THE BACK FOR WINTER STORAGE WAS ENCLOSED WITHIN A FENCED AREA WITH A GREENBELT BETWEEN THEIR "C" & "R" ZONES TO BE CONSTRUCTED WITHIN A PRE- DEFINED TIME PERIOD.

IT WAS POINTED OUT THAT MR. VELIQUETTE WAS REQUIRED BY ORDINANCE TO HAVE A GREENBELT BETWEEN HIS " C " PROPERTY AND THE ADJOINING " R-1 " PROPERTY AND THAT THIS WAS NOT A CONDITION OF THE PLANNING COMMISSION, BUT AN ORDINANCE. MR. JOBE INDICATED TO MR. SMITH THAT A VARIANCE WOULD BE NEEDED, NOT A DECISION OF THE PLANNING COMMISSION IF THE GREENBELT WAS THE ISSUE. IT WAS THE CONSENSUS OF THE PLANNING COMMISSION THAT MR. VELIQUETTE COULD RE-APPLY FOR A SPECIAL USE PERMIT IF HE SO DESIRES.

ELK LAKE ROAD - "R-2" ZONE - KEN SMITH REPORTED THAT THE ER TOWNSHIP BOARD HAS REQUESTED THE PLANNING COMMISSION TO RE-ZONE ALL OF THE "R-2" ⌒ PROPERTY ALONG ELK LAKE ROAD FROM R-2 TO R-1. A PETITION WAS PRE- ⌒ D BY MR. TOWNSEND, FROM THE RESIDENTS OF THE CLEARWATER POINT SUB-DIVISION REQUESTING THAT MRS. ELLERY SIMPSON'S "R-2" PROPERTY BE RE-ZONED TO "R-1". MR. JOBE STATED THAT HE HAD READ THE MINUTES OF THE TOWNSHIP MEETING AND DIDN'T SEE ANY REFERENCE TO THE REQUESTED RE-ZONING. SHEN SMITH ASKED WHAT WAS THE FEELING OF MRS. SIMPSON ON THE REQUESTED RE-ZONING OF HER PROPERTY AS SHE WAS THE TOPIC OF THE PETITION PRESENTED. KEN SMITH STATED THAT MRS. SIMPSON DID NOT WANT TO BE BOTHERED WITH THE ISSUE AND THAT THE TOWNSHIP BOARD WAS REQUESTING THAT ALL OF THIS PROPERTY BE RE-ZONED.

SHEN SMITH STATED SHE FELT ANY RE-ZONING OF AN ENTIRE ZONING CLASSIFICATION IF PROMPTED BY SPECIAL INTEREST GROUPS, CONFLICTS OF INTEREST, OR IF IN ESSENCE, WAS BEING PROPOSED TO EFFECTIVELY STOP A PROPERTY OWNER FROM DEVELOPING THEIR LAND IN ACCORDANCE WITH THE CURRENT ZONING ORDINANCE, WOULD BE DISCRIMINATORY AND MORALLY WRONG, AS NOT A SINGLE PROPERTY OWNER IN THIS AREA ZONED "R-2" HAS REQUESTED A CHANGE OF ZONING CURRENTLY OR PREVIOUSLY. SHE FELT A MASS RE-ZONE COULD SET A DETRIMENTAL AND IRREVERSIBLE PRECEDENCE FOR THE RE-ZONING OF OTHER ZONING CLASSIFICATION BLOCKS IN THE TOWNSHIP. SHEN SMITH STATED THAT ANY INSTRUCTIONS OR REQUESTS TO THE ER PLANNING COMMISSION REGARDING MASS OR BLOCK RE-ZONING CLASSIFICATIONS SHOULD BE RECEIVED IN WRITING. MR. TOWNSEND SAID THAT HE WOULD CONTACT THE ER TOWNSHIP BOARD FOR A WRITTEN REQUEST ON THIS CONTEMPLATED ZONING CHANGE.

A MOTION WAS MADE BY BOB BRUGGER, SECONDED BY TODD PARENT, THAT WE TABLE ANY ACTION ON THE SIMPSON PROPERTY UNTIL WE HEAR FROM THE ER TOWNSHIP BOARD.

MOTION CARRIED

THERE WAS NO FURTHER BUSINESS AT THIS TIME, A MOTION WAS MADE BY BOB BRUGGER, SECONDED BY SHEN SMITH, THAT WE ADJOURN.

MEETING ADJOURNED AT 9:45 PM.

RESPECTFULLY SUBMITTED,

Shen B. Smith

SHEN B. SMITH