Elk Rapids Township Planning Commission

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The Regular Monthly Meeting of the Elk Rapids Township Planning Commission was called to order by Acting Chairman Jim Lundy on, Tuesday, May 6, 2003, at 6:30 PM, Elk Rapids Township Hall, Corner of River & Spruce Streets, Elk Rapids, Michigan. Present: Jim Lundy, Emile Sabty, Don Glowicki, Jr,. Shen Smith, Tom Dame & Harry Potter. Absent: Renee Mischel. A quorum was established. Present: Len Harrett (Township Zoning Administrator, Lukas Hill, Advisor, Pat & Carole Brady & Rep from Faulk & Faulkner.

Public Hearing #1 - from Michael & Cynthia Keilen, 306 Williams Court, Elk Rapids, Michigan 49629, for a Non-Conforming Structure Up-grade from Class "B" to Class "A". Hearing postponed to June Meeting.

Public Hearing #2 - Site Plan Review for property owner: Cable Michigan (Charter Communications) 701 South Airport Road, Traverse City, MI 49686, and lessor: Alltel, 4600 W. College Ave, Appleton, WI 54913. The subject property is known by tax number 05-06-029-008-10, and is located at 10575 US 31 S, Elk Rapids, MI. Site Plan reflects removal and replacement of antenna panels at tower height 156 feet for Alltel Corp. Addition of six EMS-RR90-17 antennas making total of eight.

Jim Lundy opened the public hearing. No correspondence or public input was received. A motion was made by Shen Smith, 2nd by Tom Dame to close the public hearing. **MOTION CARRIED, Y-6, N-0** A motion was made by Tom Dame, 2nd by Shen Smith to approve the site plan as presented with a condition that one month be granted to complete the tower additions. **MOTION CARRIED. Y-6, N-0**.

Public Hearing #3 – ELK RAPIDS TOWNSHIP ZONING ORDINANCE AMENDMENTS:

Proposed Amendment #1 – Section 1.03 - DEFINITIONS, Sub-Section "V" HIGH WATER MARK, #2

The Planning Commission will consider input from the public regarding the amending of the High Water Mark for the East Arm of the Grand Traverse Bay from the Corp of Engineers 1955 I.G.L. D. of 579.8 feet to the 1985 amendment of 581.5 feet.

Amend – Section 1.03 - DEFINITIONS, Sub-Section "V" HIGH WATER MARK, #2 to read:
V. (2) HIGH WATER MARK
"High Water Mark for East Arm of the Grand Traverse Bay – the average high water mark for the East Arm of the Grand Traverse Bay shall be the I.G.I.D. ordinary high water – ~~***1955***~~ ***1985*** (International Great Lakes Datus) ~~***579.8***~~ **581.5 feet.**"

Proposed Amendment #2 – Section 2.19 LOT CREATION, LAND DIVISION & CONDOMINIUM DEVELOPMENT Sub Section D" 7
"No lot creations shall be approved which would preclude the feasible and efficient development, division or access for remaining or abutting lands affected by the proposed lot creation. No lot shall be created solely of sand dunes area, wetland area, drainage ways, lake or river bottom lands within the 100 year flood plain or stream bed based on the I.G.L.D. Ordinary High Water ~~***(1955)***~~ **(1985)** (International Great Lakes Datum ~~***579.8***~~ **581.5** feet.

Jim Lundy opened the public hearing on Proposed Amendments #1 & #2 to the pubic. No correspondence was received. Comments from Emile Sabty indicated a question regarding the creation of nonconforming structures through the amending of the I.G.L.D. from 1955 to 1985. As there was no further input, a motion was made by Shen Smith, 2nd by Tom Dame to close the public hearing on Amendments #1 & #2 – **MOTION CARRIED. Y-6, N-0.**

A motion was made by Shen Smith, 2nd by Harry Potter, to approve Proposed Amendments #1 & #2. **Y-3, N-3 MOTION DENIED**. Following discussion, a motion was made by Shen Smith, 2nd by Tom Dame to rescind the prior motion. **MOTION CARRIED, Y-6, N-0**. Jim Lundy then tabled any further discussion and action on Proposed Amendments #1 & #2 until a report is received from Len Harrett regarding the ramifications approval of proposed amendments #1 & #2 have on existing structures.

> **Proposed Amendment #3 – Section 2.11 – Animal in Zoned Areas**. The Planning Commission will consider input from the public regarding the addition of the "E"- Environmental Zone to Section 2.11 as amended below:
>
> **ANIMALS IN ZONED AREAS**
> "It shall be unlawful to keep animals such as horses, cattle, pigs, goats or poultry on any premises in an "R" ***-RESIDENTIAL", "E" - ENVIROMENTAL,*** "C"- ***COMMERCIAL, or*** "M" ***– MANUFACTURING*** *Zones* provided that the keeping of such animals shall be permitted in an "R-1", "R-2", and ***"E"*** zone and residential lots in the "A" ***- Agricultural*** Zone where the size of the lot upon which the same shall be kept shall be not less than five (5) acres in area with a minimum width of two hundred (200) feet and where a total enclosure of fencing is provided. This restriction shall not prohibit the keeping of ordinary household pets in any zone."

Jim Lundy opened the public hearing on Proposed Amendment #3 to the pubic. No correspondence was received. Comments from the public: Carol Brady requested clarification as to why the E Zone was being added to the Section 2.11 – Animal in Zoned Areas. Shen Smith indicated she felt there was an oversight when the ordinance was created with the omission of the E Zone to this section as in 1979 (and today) the E Zone within the township is mostly in platted residential subdivisions meaning that without the E Zone being included within Section 2.11 a resident in one of the subdivisions could basically house a horse, cow, etc. on a 100 foot E zoned lot. As there was no further public input, a motion was made by Shen Smith, 2nd by Tom Dame to close the public hearing. **MOTION CARRIED, Y-6, N0**. A motion was made to approve Proposed Amendment #3. **MOTION CARRIED, Y-6, N-0**.

Amendments will not be submitted to Antrim County for review until proposed amendments #1 & #2 have been resolved.

MINUTES OF 04/01/03 REGULAR MEETING: After review, amendments and corrections were recommended for the minutes:

Public Hearing – Scheppe Project: Amend the conditions of approval to read:

1. To provide 6" gravel for the non-paved driving areas
2. Existing structure is not part of the mini-storage project.
3. To create mapped pond with retention functions.
4. To provide additional landscaping on the corner sections of the buildings facing Cairn Highway.
5. Sign will be a double-sided unlit sign in accordance with the Township sign ordinance, located 8' from the edge of the driveway blacktop.
6. Additional Landscaping will be taken under advisement regarding road salt issues.
7. Outside lightening will not exceed 60 watt bulbs, and limited to a total of 20 fixtures for all three buildings, all light fixtures to be recessed down light with location equal to the top of the doors in placement. (8 ').
8. Comments/approvals from Antrim Co. Drain Commission & Road Commission will be provided to the Planning Commission for the May/03 Planning Commission meeting.
9. Roof & sidewall construction will be of steel, with a roof pitch of 4:12, structure colors will be in earth tones, i.e. grey on grey.
10. Approval will also be conditional upon the property owner agreeing to provide a YES vote for Sewer District creation.

A motion was made by Emile Sabty, 2nd by Don Glowicki, Jr. to approve the minutes of the 04/01/03 meeting as amended and corrected above. **MOTION CARRIED, Y-6, N-O**.

Len Harrett will provide a copy of the amended & corrected conditions to Mr. Scheppe so these minutes may be added to the project records and approved site plan.

GRAMMER PROPOSED LOT SPLITS: After review of proposed Grammer lot split map, a motion was made by Shen Smith, 2nd by Tom Dame to recommend approval by the Township Board with the condition that all lots be hooked up to the sewer district prior to sale. **MOTION CARRIED, Y-6, N-0**.

Environmental Zone Review: Lukas Hill indicated that a review of the zoning & natural resource maps, the (E) Environmental Zone is justified within the Elk Rapids Township Zoning Ordinance to allow for low density residential development and to protect the sensitive wetland areas. Discussion on **10.05 B – 50' Buffer Zone**: Shen Smith & Emile Sabty questioned that 50' would be to much of a buffer providing to much room for variances from the 50'. Emile indicated he felt a 30' buffer zone would be more appropriate. 10.05 C/D – question – how do you kill poison ivy without using chemicals? Two sections are in opposition. Lukas Hill will amend EZ text for the next meeting.

A motion was made by Don Glowicki, Jr., 2nd by Tom Dame to table the remain agenda items to the next meeting. **MOTION CARRIED, Y-6, N-0**. A motion was made by Don Glowicki, Jr., 2nd by Jim Lundy to adjourn. **MOTION CARRIED, Y-6, N-0**

Meeting was adjourned at 9:30 PM.

Respectfully submitted,

Shen Smith
Secretary