Elk Rapids Township Planning Commission
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NOVEMBER 7, 2000

The regular monthly meeting of the Elk Rapids Township Planning Commission was called to order by co-chairman, Renee Mischel, at 6:30 PM, on Tuesday, November 7, 2000. Present: Renee Mischel, Harry Potter, Dorance Amos, Tom Dame, Shen Smith, and Jim Lundy. Absent: Don Glowicki, Jr. A quorum was established. Also present: Len Harrett, Jim Carstin, and Carolyn Shah.

Public Hearing: Amendments to the Township Zoning Ordinance

1. Addition to Section 2.07 - ACCESSORY BUILDING & DECKS. The front, side and rear yard setback requirements of each zone shall apply to the location of accessory buildings & decks within each zone.

2. ADD Section 11.05 - Uses Permitted by Special Use Permit (Special Exception) to Commercial Zone.

"Section 11.05 the following uses of land and structures may be permitted by the application to the Planning Commission for the issuance of a special use permit (special exception Chapter XVII, Section 17.07) when specified procedures and requirements, as outlined in the article in section cited, are complied with:

A. Open Space Storage provided that all such open space storage shall be screened on all sides by a solid uniformly finished and maintained wooded or masonry wall or fence of durable material, or a well maintained greenbelt, each of which shall be no less in height that the enclosed storage.
B. Outside sales and displays.

3. Chapter XV - Site Plan Review

The following to be deleted from the Ordinance: Section 15.02 - SCOPE, Paragraph "C" which reads:

C. "Projects involving the expansion, remodeling or enlargement of existing buildings which comply with all zoning ordinance requirements and involving no new or additional means of access thereto from adjoining public roads or highways."

4. Addition to Section 17.01 – ADD Paragraph “B”.

ZONING PERMIT REQUIRED. It shall be unlawful for any person to commence excavation for, or construction of any building, structure or parking area, or to make structural change, alteration or addition in any existing building or structure or relocate any building or structure without first obtaining a zoning permit from the Zoning Administrator. No permit shall be issued for the construction, alteration, addition or relocation of any building or structure until an application has been submitted showing that the construction proposed is in compliance with the provisions of this Ordinance and any required zoning permit fees paid. No plumbing, building, health, electrical or drainage permit shall be issued until the Zoning Administrator has determined that the plans and designated use indicate that the structure and premises, if constructed as planned and proposed, will conform with the provisions of this Ordinance, and paying the permit fee therefore as established by the Township Board.

Exception to the above requirement of a zoning permit for construction or relocation:

A. Storage shed, or similar type building not exceeding one hundred (100) square feet and having no permanent foundation, provided however that such building shall be placed in accordance with Section 2.07.
B. Decks, porches, and patios not exceeding 150 square feet and less than 12 inches above grade and having no permanent foundation, providing however that such Structure shall be placed in accordance with Section 2.07.

5. PROPOSED AMENDMENT TO SECTION 17.08

REMOVE SECTION 17.08 – REQUIRED FEES
REPLACE WITH NEW SECTION 17.08 – FEES AND ESCROW DEPOSITS

New Text to Add

Section 17.08 – Fees and Escrow Deposits

A. The Township Board shall establish the fees for land use permits and other applications.
B. In connection any application for a Special Use Permit, Site Plan approval, zoning amendment, or appeal, the reviewing body or official may require the applicant to pay in advance into an escrow fund established to cover the reasonable costs of reviewing such application. Such cost may include staff costs or consultant fees covering planning, engineering, environmental analysis, wetland delineation, legal review, and other professional and technical services required for a proper and thorough review of the application. No permit shall be issued until all costs have been paid. The Township shall account for the expenditure of all such funds and shall promptly refund any unexpended funds within sixty (60) days of final action by the reviewing board or official.

The public hearing was opened. Comments were received from Jim Carstens regarding the addition of Decks. A copy of the zoning ordinance was given to Mr. Carstens to clarify his comments. As there were no additional comments from the public. A Motion was made by Renee Mischel, 2nd by Dorance Amos to close the public hearing. MOTION CARRIED YES-6 NO-0 A motion was made by Dorance Amos, 2nd by Renee Mischel to approve the amendments to the Elk Rapids Township Planning Commision. MOTION CARRIED YES-6, NO-0.

Minutes of the last meeting. A motion was made by Renee Mischel, 2nd by Dorance Amos to approve the minutes as published from the 10/3/00 meeting. MOTION CARRIED YES-6, NO-0

Wandawood Site Plan Modifications: Carolyn Shah addressed the Commission with a request to modify requirements of her previously approved site plan in regards to the square footage of the replacement unit. Ms. Shah asked permission to increase the square footage 2,300 sf to 2,496 sf and add a garage to the unit. No residential use is proposed for this unit.

A report was received from the zoning administrator that Wandawood resort currently meets all conditions (mostly) of the signed agreement between the Twp and Wandawood Resort. All resort activities on the west side of Cairn Highway have ceased to exist at the time of this meeting. The Wandawood site plan presented for consideration includes a garage for the new unit which was not proposed on the original site plan. Discussion regarding the 2nd road between the new cottage and the Wayfarer Cottage indicates this access road needs to be closed. Discussion regarding providing a deeper setback from the shoreline and the north property line resulted in consent from Ms. Shah to move the unit 5' back from the shoreline and 5' south of the north property line

On the issue of the new Wandawood unit, motion was made by Shen Smith, 2nd by Renee Mischel to amend Condition #11 of the previously approved Site Plan for Wandawood Resort from a total of 2,300 sf for the replacement unit to 2,500 sf with the following conditions being applied to the original site plan conditions:

1. All resort activities being strictly limited to the east side of the newly created Cairn Highway (meaning that and/all resort activities are restricted solely to the east side of Cairn Hwy) with Wandawood Resort physically being defined as that property lying between the new Cairn Highway and the shoreline of Elk Lake to the east/west.

2. The road between the new unit and the old Wayfarer cottage is not authorized for resort or personal use and will be closed.

3. The modified site plan will be redesigned to show the unit structure to be setback 60' from the highwater mark of Elk Lake, and will be additionally setback 24' from the North property line.

4. There will be no allowed residential use of the new unit.

After discussion – MOTION CARRIED. YES-5 NO-1

On the issue of the addition of a garage for the new unit the Commision had several concerns needing to be addressed. One issue being a better blueprint of the garage being requested. Following discussion, a motion was made by Harry Potter, 2nd by Shen Smith to approve the addition of a garage as proposed by Ms. Shah for the site plan. VOTE – YES-3, NO-3. As no definite decision could be reached without a tie breaking vote being cast on the garage issue, the co-chairman tabled all discussion and voting on the issue until the December meeting.

Mini-Storage (O.J. Storage): Review was undertaken of the proposed amendments to the Zoning Ordinance regarding the creation of text allowing for the ordinance use of mini-storage under the zoning ordinance. After discussion it was determined that page 4 was unclear as to meaning, with the chairman referring the proposed ordinance to the Township attorneys for review. The issue was tabled to the December meeting, or until clarification is received from the Township attorneys.

Funneling Issue: Tabled to the December meeting.

Planned Jan/Feb Public Hearings: Garrow Condition Hearing, Wandawood Rezoning of portion of land from "A" to "R-1" and any additional amendments approved and ready for public hearings.

TOWNSHIP FUTURE - Land to be acquired by the Township: Discussion regarding the Township purchasing the Beck properties on US 31. Discussion regarding the Township acquiring additional lands within the Township for public domain. The Planning Commission would request the Township Board to take steps to acquire additional land for use as: senior center, youth center, indoor tennis, ice rink, etc. A motion was made by Shen Smith, 2nd by Jim Lundy to request the Township Board to look toward the future and take steps to secure lands for the future of the Township. MOTION CARRIED YES-6 NO-0

As there was no additional business at this time, a motion was made by Renee Mischel, 2nd by Harry Potter, to adjourn. MOTION CARRIED YES-6 NO-0.

Meeting was adjourned at 8:45 PM.

Respectfully submitted,

Shen B. Smith
Secretary