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ELK RAPIDS TOWNSHIP PLANNING COMMISSION
TOWNSHIP OF ELK RAPIDS - ANTRIM COUNTY, MICHIGAN
P.O. BOX 175 - ELK RAPIDS, MICHIGAN 49629
(616) 264-5855

NOVEMBER 30, 1990

THE SPECIAL MEETING OF THE ELK RAPIDS TOWNSHIP PLANNING COMMISSION WAS CALLED TO ORDER AT 7:30 P.M., NOVEMBER 30, 1990, AT THE ELK RAPIDS TOWNSHIP HALL, CORNER OF SPRUCE AND RIVER STREETS, ELK RAPIDS, MICHIGAN, BY THE CHAIRMAN, TODD PARENT.

ROLL CALL — PRESENT

DICK JOBE
SHEN SMITH
TODD PARENT
BILL WHITE
FELIX CASILLAS
DEAN VELIQUETTE
LEONARD KLEIN

A QUORUM WAS ESTABLISHED

THE MEETING WAS CALLED TO ORDER AND A MOTION WAS MADE BY BILL WHITE, SECONDED BY LEONARD KLEIN, THAT WE RECESS THE SPECIAL MEETING UNTIL 8:00 P.M. AT THE ELK RAPIDS HIGH SCHOOL LIBRARY DUE TO A CONFLICT WITH THE ELK RAPIDS TOWNSHIP HALL. MOTION CARRIED

ALL PARTIES IN ATTENDANCE WERE NOTIFIED THAT THE MEETING WOULD RECESS UNTIL 8:00 P.M. AND RESUME AT THE HIGH SCHOOL. MAPS WERE GIVEN OUT BY SHEN SMITH TO THOSE PARTIES PRESENT WITH MARY POZOLO STAYING AT THE TOWNSHIP HALL TO INFORM ANY LATE ATTENDEES OF THE LOCATION OF THE MEETING. MEETING WAS RECESSED AT 7:45 P.M.

MEETING RESUMED AT 8:05 P.M. AT THE ELK RAPIDS HIGH SCHOOL LIBRARY WITH A QUORUM RE-ESTABLISHED.

TODD PARENT ADDRESSED THE AUDIENCE TO EXPLAIN THE PURPOSE AND NECESSITY OF THE ISSUANCE OF A SPECIAL USE/SPECIAL EXCEPTION PERMIT FOR THE CONSTRUCTION OF MULTIPLE FAMILY HOUSING IN A ZONED MULTIPLE FAMILY CLASSIFICATION. HE STATED THAT THE PURPOSE OF THIS HEARING IS TO:

1. HAVE CONTROL AND FINAL APPROVAL OVER ALL SPECIFICATIONS AND CONDITIONS AFFECTING SUCH APPROVAL OF A MULTIPLE FAMILY HOUSING PROJECT.

2. TO DETERMINE IF SUCH APPROVAL WOULD NOT BE INJURIOUS TO THE SURROUNDING NEIGHBORHOOD AND NOT CONTRARY TO THE SPIRIT AND PURPOSE OF THE ORDINANCE.

PUBLIC HEARING - PROPOSED "THE PINES" CONDOMINIUM PROJECT

A COPY OF THE LEGAL PROPERTY DESCRIPTION ON THE LANDS INVOLVED IN THIS SPECIAL HEARING ARE ATTACHED AS EXHIBIT "A" TO THE MINUTES OF THIS MEETING. THE SECRETARY REPORTED THAT 32 LETTERS HAVE BEEN RECEIVED IN OPPOSITION TO THE GRANTING OF A SPECIAL EXCEPTION ON THE PROPERTY IN QUESTION CITING "INJURIOUS TO THE NEIGHBORHOOD". A REQUEST WAS MADE THAT THESE LETTERS BE MADE PART OF THE OFFICIAL RECORD OF THIS HEARING.

IT WAS NOTED THAT DUE TO A DETERMINATION BY THE ELK RAPIDS ZONING BOARD OF APPEALS, THE R-3 PORTION OF THE REFERENCED PROPERTIES HAS DECREASED IN SIZE RESTRICTING DENSITY TO A MAXIMUM OF 24 CONDOMINIUM UNITS IN THE MULTIPLE FAMILY ZONE.

THE FOLLOWING CONCERNS WERE ADDRESSED BY THE PUBLIC AT LARGE AND THE PLANNING COMMISSION WITH THE DEVELOPER

1. THE ARCHITECTURAL STYLE OF THE TWO SINGLE FAMILY HOMES PROPOSED TO BE CONSTRUCTED ON THE R-1 PORTIONS OF THE PROJECT. LEONARD HERMAN STATED THAT THESE HOMES WILL BE OF THE SAME MATERIALS AS THE EXTERIOR OF THE CONDOMINIUM UNITS, BUT THE STYLE AND FLOOR PLANS WILL BE DETERMINED BY THE INDIVIDUAL OWNERS AT A LATER DATE.

2. THAT THE 35' REQUIREMENT OF ROOF LINE MIGHT BE TO HIGH AS THE GROUND ELEVATION OF THE R-3 PORTION OF THESE PROPERTIES IS HIGHER THAN SURROUNDING LANDS THUS CAUSING THE PROJECT TO TOWER OVER ADJACENT DEVELOPMENTS.

3. THAT A GUARANTEE OF VILLAGE WATER AND SEWER HOOKUPS MUST BE SECURED PRIOR TO ANY APPROVAL OF CONSTRUCTION PERMITS.

4. THAT THE USE OF R-1 LANDS BY HIGHER DENSITY PROJECTS IN ADJACENT ZONING CLASSIFICATIONS WOULD BE CONTRARY TO THE INTENT OF THE ZONING ORDINANCE AND WOULD BE INJURIOUS TO THE SURROUNDING NEIGHBORS. THE ATTORNEY FOR THE TOWNSHIP WILL RESEARCH THIS QUESTION AND IT WILL BE ADDRESSED IN THE FACT FINDING REPORT.

5. THAT THE PROPOSED DENSITY WOULD BE 3-1/2 TO 7 TIMES GREATER THAN THE SURROUNDING PROPERTIES.

6. THAT SIDE YARD SETBACKS BE MORE THAN 40 FEET AND THAT A GREENBELT AND A LANDSCAPING PLAN BE PRESENTED PRIOR TO ANY APPROVAL OF THE PROJECT. IT WAS DETERMINED A 27' SETBACK IN THE R-1 AND 40' SETBACKS ON THE R-3 WOULD BE SUFFICIENT FOR THIS PROJECT. WITH A 65' SETBACK FROM THE RIGHT OF WAY ON THE SOUTH BAYSHORE ROAD SIDE.

7. THAT A COPY OF THE PROPOSED MASTER DEED BE SUBMITTED FOR REVIEW OF THE WORDING PRIOR TO ANY APPROVAL OF THE PROJECT. LEONARD HERMAN STATED THAT THE MASTER DEED WOULD BE THE SAME AS THE COPY PREVIOUSLY SUBMITTED TO THE PLANNING COMMISSION. IT WAS NOTED THAT THE PREVIOUSLY SUBMITTED COPY CONTAINED REFERENCE ONLY TO "THE SANDS" PROJECT. IT WAS FURTHER STATED THAT THE WORD "SANDS" WOULD BE REPLACED WITH THE WORD "PINES" WHERE APPLICABLE.

8. THAT THE GREENBELT AND THE FENCE BE BUILT PRIOR TO THE CONSTRUCTION OF THE CONDOMINIUM PROJECT IF PROJECT WERE TO RECEIVE APPROVAL.

9. THAT THE TWO SINGLE FAMILY HOMES IN THE R-1 BE BUILT FIRST. MR. HERMAN STATED THAT THIS MIGHT NOT BE FEASIBLE.

1. THAT A COPY OF THE EXACT SITE PLAN BE SUBMITTED WITH ALL DOCUMENTS REFLECTING THE "AS BUILT" OF THE PROJECT PRIOR TO ANY APPROVAL

11. THAT NO LOCATION HAS BEEN NOTED FOR THE SIZE AND TREATMENT OF THE PROJECT DUMPSTERS.

12. THAT A REZONING REQUEST ON THIS PROPERTY IS CURRENTLY PENDING BEFORE THE TOWNSHIP BOARD. MR. HERMAN STATED THAT HE WILL WITHDRAW THE REQUEST FOR REZONING IF THE PLANNING COMMISSION WERE TO GIVE AN APPROVAL TO THE CURRENT REQUEST.

13. THAT THE PERFORMANCE BOND BE REQUIRED.

BILL DERMAN SPOKE REGARDING THE NECESSITY OF A FINDING OF FACT REPORT TO ADDRESS THESE CONCERNS. BRUCE ORTENBURGER SHALL BE INSTRUCTED TO PREPARE A FINDING OF FACT ON THIS PROJECT ADDRESSING ALL CONCERNS.

A MOTION WAS MADE BY FELIX CASILLAS, SECONDED BY DICK JOBE, TO GRANT PRELIMINARY APPROVAL OF A SPECIAL EXCEPTION INCORPORATING ALL CONDITIONS STATED IN BRUCE ORTENBURGER'S REPORT (AS AMENDED - EXHIBIT "B").

A MOTION WAS THEN MADE BY BILL WHITE, SECONDED BY FELIX CASILLAS, TO AMEND THE ORIGINAL MOTION TO ALSO INCLUDE THE FOLLOWING ADDITIONAL CONDITIONS EXPRESSED BY THE PLANNING COMMISSION:

1. OPEN SPACE - ALL OPEN AREAS ON THE FINAL SITE PLAN SHALL REMAIN OPEN IN THEIR NATURAL STATE. NO STRUCTURES OR IMPROVEMENTS SHALL BE ALLOWED IN THESE AREAS.

2. THE R-1 PROPERTY SHALL REMAIN ZONED R-1 WITH THE R-3 PROPERTY TO REMAIN ZONED R-3

3. ACCELERATION AND DECELERATION LANES TO BE PROVIDED SUBJECT TO THE REQUIREMENTS OF THE ANTRIM COUNTY ROAD COMMISSION.

4. NO BOAT DOCKS SHALL BE ALLOWED ON OR OFF THE SHORELINE OF THE GRAND TRAVERSE BAY WHERE THE R-1 PROPERTY IN QUESTION RESIDES.

5. THERE SHALL BE NO CUTTING OF TREES TO PLANT TREES. ALL TREES CURRENTLY SITUATED IN OPEN AREAS SHALL BE RETAINED IN THEIR NATURAL STATE.

6. SIDE YARD SETBACK IN R-1 SHALL BE NO LESS THAN 27' WITH SIDE YARD SETBACKS IN R-3 OF NO LESS THAN 40'.

MOTION TO AMEND THE MAIN MOTION CARRIED BY ROLL CALL VOTE. ALL MEMBERS VOTING IN THE AFFIRMATIVE.

MOTION TO APPROVE THE MAIN MOTION CARRIED BY ROLL CALL VOTE. ALL MEMBERS VOTING IN THE AFFIRMATIVE.

BILL DERMAN WAS INSTRUCTED TO DIRECT BRUCE ORTENBURGER TO PREPARE A FINDING OF FACT STATEMENT WHICH SHALL ADDRESS ALL OF THE CONCERNS OF THIS SPECIAL HEARING. A REVISED SITE PLAN, FINDING OF FACT STATEMENT AND ALL DOCUMENTS PERTAINING TO THIS HEARING SHALL BE READY FOR THE NEXT REGULAR MONTHLY MEETING OF THE ELK RAPIDS PLANNING COMMISSION WHICH IS SCHEDULED FOR DECEMBER 3, 1990, 7:30 P.M. AT THE ELK RAPIDS TOWNSHIP HALL.

AS THERE WAS NO FURTHER BUSINESS AT THIS TIME, A MOTION WAS MADE BY LEONARD KLEIN, SECONDED BY DEAN VELIQUETTE TO ADJOURN.

MEETING WAS ADJOURNED AT 10:20 P.M.

RESPECTFULLY SUBMITTED,

Jean B Smith

JEAN B. SMITH
SECRETARY