Elk Rapids Township Planning Commission
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September 2, 2003

The Elk Rapids Township Planning Commission regular monthly meeting was called to order by chairman, Renee Mischel, at 6:30 PM on Tuesday, September 2, 2003. Present: Emile Sabty, Harry Potter, Shen Smith, Renee Mischel, Don Glowick, Jr., Tom Dame and Jim Lundy. A quorum was established. Also present: Cathleen Martelli, Norman Rook, Jay Kilpatrick, Lukas Hill, Bill Derman, Mike Turkelson & Len Harrett.

Public Hearing #1: 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. Chairman Mischel opened the public hearing and read the legal notice into the record. No correspondence was received.

It is of the opinion by the Township legal counsel that as significant work is in progress to amend and revise Chapter 4 of the Township Ordinance, that Chairman Mischel table further considerations on all Non-Conforming Structure Upgrades until the ordinance work can be completed. After consideration, Chairman Mischel put the issue on the table. Norman Rook representing applicant indicated he was unhappy with the decision.

Jonkers Non-Conforming Structure Upgrade: A motion was made by Shen Smith, 2nd by Renee Mischel, to untable the Jonkers Non-Conforming Structure Upgrade. Discussion: Mike Turkelson, Township attorney indicated that the Jonkers Non-Conforming Structure Upgrade continue being tabled as Chapter 4 of the Township Zoning Ordinance is currently in revision. Cathleen Martelli appealed to the Planning Commission to override the concerns of legal counsel and finalize the Jonkers request. After further discussion and vote, the un-tabling of the Jonkers Non-Conforming Structure Upgrade was defeated. **MOTION DECLINED N-7**

Public Hearing #2: SITE PLAN REVIEW HEARING (NON-RESIDENTIAL) for Gordon L & Constance J Converse, 134 Mitchell Drive, Elk Rapids, Mi 49629, for property located at 10565 US 31 So, Elk Rapids, MI 49629 – Property tax #05-06-029-008-00. Proposed site plan is for "Uncle Rod's, Inc. an auto mechanical repair business. Chairman Mischel opened the hearing to the public and read the legal notice into the record as amended with the removal of auto body repair and the addition of auto mechanical repair. No correspondence was received. A motion was made by Shen Smith, 2nd by Jim Lundy to close the public hearing. **MOTION CARRIED: Y-7**

Discussion and review of site plan resulted in a motion by Shen Smith, 2nd by Don Glowicki, Jr. to require and waive sections of Sec. 17.04 B as follows:

Section waived:
17.04 B – 2 , 3, 4, 5, 6, 7, 11, 12, 15 , 21 & 22

Section to be required and amended on site plan:
17.04 8 – easement not noted on site plan – where & how wide?
17.04 9 – no sign approval being granted at this time as sign permit application has not been submitted.
17.04 10 – parking and lighting not indicated on site plan. Employee parking to be indicated on site plan.
17.04 13 – no well & septic shown on site plan.
17.04 14 – utilities not shown on site plan.
17.04 16 – not requested by property owner, but must be shown on site plan.
17.04 17 - lighting must be shown on site plan.
17.04 18 – fences, none requested but needs to be shown on site plan.

17.04 19 – landscaping & buffering – needs to be shown on site plan.
17.04 20 – trash receptacles, need to be shown on site plan with buffering.
17.04 23 – existing trees to be shown on site plan
17.04 24 – north arrow missing from site plan.
17.04 25 – seal not applicable for this site plan.

MOTION CARRIED: Y-7

A motion was made by Renee Mischel, 2nd by Jim Lundy to table further consideration on site plan approval until site plan is amended and corrected. **MOTION CARRIED: Y-7**

Public Hearing #3: The purpose of this hearing is to consider amendments to the Elk Rapids Township Zoning Ordinance - Chapter X - "E" Environmental Zone, Chapter X. The hearing was opened to the public. No correspondence was received. The legal notice was read into the record as follows:

AMENDMENT #1: - Amend - Table of Contents

Remove "TABLE OF CONTENTS" - Chapter X – "E" Environmental Zone – all text, and replace with the below text:

Chapter X - "E" - ENVIRONMENTAL ZONE

Section 10.01 Purpose

10.02 Permitted Uses

10.03 Height, Area and Yard Restrictions

10.04 Shoreland's Protection Zone

10.05 General Requirements

AMENDMENT #2: Delete Old Chapter X and Replace with new Chapter X.

DELETE ENTIRE CHAPTER X – "E" – ENVIROMENTAL ZONE from existing Zoning Ordinance and replace with the following proposed amendment:

CHAPTER X - "E" - ENVIRONMENTAL ZONE

SECTION 10.01 - PURPOSE
The purpose of this District is to allow single-family homes while preserving and protecting significant natural features including wetlands, lakes, rivers, streams, watersheds and other sensitive environmental features within Elk Rapids Township. These regulations seek to balance the protection of the ecosystem while enabling low-intensity development where appropriate. The regulations are designed to ensure adequate setbacks for buildings, structures and septic systems, ensure that building and structures are built on suitable and stable soils, prevent soil erosion in wetland areas, prevent sedimentation from entering the creeks, rivers and lakes, preserve and enhance vegetation and wildlife habitat along the creek and river banks.

SECTION 10.02 - PERMITTED USES
No use shall hereafter be permitted within the Environmental Zone except the following:

A. Single Family Detached Dwellings, subject to the following provisions:

1) *Upon application for a zoning compliance permit, it shall be the responsibility of the applicant to provide documentation of any regulated wetlands on site as defined by Part 303 (Wetlands Protection) of the Natural Resources and Environmental Protection Act, 1994 PA 451. The documentation shall be certified by a qualified consultant or licensed engineer and shall determine all, if any, wetlands. If said consultant or licensed engineer certifies that the site does not include regulated wetlands, only a standard plot plan will be required.*

2) *If the site does contain regulated wetlands, a plot plan containing the following information presented on a scale drawing shall be submitted with the building permit application:*

    a. *Location of existing property lines, dimensions, setback lines and monument locations.*

    b. *Location and type of significant existing vegetation, and how it will be altered to permit construction of the project.*

    c. *Location and elevations of existing water courses and water bodies, including county drains, man-made surface drainage ways, floodplain and wetlands (as identified by the DNR in an official determination request).*

    d. *Location of existing and proposed buildings and intended use thereof as well as the length, width and height of each building, and typical elevation views of proposed structures.*

    e. *Location of existing public roads, rights-of-way and private easements of record and abutting streets.*

    f. *Location and specifications for all fences, walls and other screening features with cross sections.*

    g. *Location and specifications for all proposed perimeter and internal landscaping and other buffing features. All vegetation to be retained on the site must also be indicated. A minimum vegetation buffer area as required by section 10.05 hereof.*

    h. *Seal of the registered engineer, architect, landscape architect, surveyor, or planner who prepared the plan.*

B. Construction of or provision of footpaths or narrow walkways. The cutting of vegetation shall be minimized for the purpose intended and no materials used in such construction shall contribute to the pollution/contamination of the ground water or adjoining lakes and rivers.

C. General farming purposes and grazing of domestic farm animals.

D. Harvesting of wild crops such as wild hay, ferns, moss, wild rice, berries, tree fruit and tree seeds.

E. Harvesting of timber in accordance with approved conservation practices.

F. Accessory Structures, that comply with Section 10.02, A, 1 and 2 and Section 1.03, A.

Section 10.03 – HEIGHT, AREA AND YARD RESTICTIONS

A. Required Yard Setbacks:

Front Yard: Fifty (50) feet.

Rear Yard: Thirty Five (35) feet.

Side Yard: Ten (10) feet for each side, totaling at least twenty (20) feet.

B. Building Height: No building or structure shall exceed a height of two and one-half (2 ½) stories or thirty-five (35) feet, which ever is less.

C. Lot Width: A minimum of one hundred (100) feet at all points from front to back.

D. Lot Area: All lots shall contain a minimum of 20,000 square feet. All regulated wetlands areas shall be subtracted from the total land area to provide the total 20,000 square foot required lot area..

E. Dwelling Area: All dwellings shall have a minimum of nine hundred sixty square (960) feet. No dimension shall be less than 20 feet.

Section 10.04 - SHORELAND'S PROTECTION ZONE
Certain lands in the Township abut Lake Michigan and have been designated as "high risk" erosion areas under the Shoreland Protection Act. Any construction within these designated areas which are included within the Environmental Zone shall comply with the rules and regulations adopted under the Shoreland Protection Act.

Section 10.05 – GENERAL REQUIREMENTS

A. WETLANDS. An applicant planning to make any improvements or changes to a regulated wetland must obtain a permit from the DEQ in accordance with Part 303 (Wetlands Protection) of the Natural Resources and Environmental Protection Act, 1994 PA 451 prior to submitting a site plan or land use permit application under this Zoning Ordinance.

B. A Buffer Area of at least thirty (30) feet shall exist between all regulated wetlands and structures on the property. No ponds shall be constructed, earth moved or topsoil removed for building within the Buffer Area. A buffer area of at least one hundred (100) feet shall exist between all lakes, streams and rivers.

C. The Buffer Area shall consist of native trees, shrubs, and other vegetation and materials. Dead, diseased, unsafe or fallen trees and noxious plants and shrubs, including poison ivy, poison sumac and poison oak, may be removed. Healthy vegetation with the buffer area shall be left in a natural state, but may be selectively trimmed and thinned to provide a filtered view of lakes or streams.

A motion was made by Renee Mischel, 2nd by Shen Smith to close the public hearing. **MOTION CARRIED: Y-7**. Emile Sabty indicated that a correction needed to be made to Sect. 10.05 B to add "structures" to the last sentence on "B". A motion was made by Renee Mischel, 2nd by Tom Dame to approve the proposed amendments to the Environmental Zone with the addition of "structures" being added to the last sentence. **MOTION CARRIED: Y-6, N-1**

Minutes of August 5, 2003 Meeting: A motion was made by Emile Sabty, 2nd by Don Glowicki, Jr. to approve the 8/5/03 minutes. **MOTION CARRIED: Y-7**

Minutes of August 20, 2003 Meeting: A motion was made by Emile Sabty, 2nd by Renee Michel to approve the 8/20/03 minutes. **MOTION CARRIED: Y-7**

Fee Schedule: Section 19.08 B was discussed regarding the escrow policy. Bill Derman indicated that some points of the proposed fee schedule will be an accounting problem, and who would make the decision as to when to go to the escrow policy. Would this be a decision with the township board? Following further discussion, it was determined that Options #3 & 4 would be given to the Elk Rapids Township Board for their review and opinion.

Kodiak Equipment: A letter was received from Mike Meindertsma, Kodiak Equipment, for a waiver on Section 17.04 B 2 "Existing topographical elevation" as the property located at 11590 US 31 S, Williamsburg, MI is completely flat. A motion was made by Shen Smith, 2nd by Emile Sabty to waive Section 17.04 B 2 for the Kodiak Equipment site plan. **MOTION CARRIED: Y-7**

Ordinance Amendment: Emile Sabty requested consideration on the removal of Section 1.03 QQ.from the ordinanceBoth Twp legal counsel and Lukas Hill indicated that the section created no harm by being in the ordinance but could be removed at some point. A motion was made by Emile Sabty, 2nd Renee Mischel to remove Section 1.03 QQ from the Ordinance. **MOTION CARRIED: Y-7** Section will be placed for public hearing with the next proposed amendments to the Ordinance.

As there was no further business at this time, a motion was made by Tom Dame, 2nd by Don Glowicki, Jr. to adjourn. **MOTION CARRIE: Y-7**.

Meeting was adjourned at 9:30 PM.

Respectfully submitted,

Shen B. Smith, Secretary