Elk Rapids Township Planning Commission

Shen B. Smith - Secretary
PO Box 175, Elk Rapids, Michigan 49629
(231) 264-6665 Email - shen@bokhara.com

January 3, 2002

The regular monthly meeting of the Elk Rapids Township Planning Commission was called to order by the Co-Chairman, Renee Mischel, at 6:30 PM on Thursday, January 3, 2002, Elk Rapids Town Hall, Corner of Spruce & River Streets, Elk Rapids, Michigan. Present: Emile Sabty, Don Glowicki. Jr, Shen Smith, Renee Mischel, Jim Lundy and Harry Potter. Absent: Tom Dame A quorum was established. Also present: Len Harrett

Minutes of October & November Meetings: A motion was made by Jim Lundy, 2nd by Don Glowicki to approve the minutes. MOTION CARRIED

Note: Minutes were distributed and approved prior to the arrival of the secretary who had corrections for the November minutes. A motion was made by Shen Smith, 2nd by Jim Lundy to approve the November minutes with date/name and the addition of the 2nd page. **MOTION CARRIED.**

Shaw Non-Conforming Use Upgrade from November 6, 2001 Meeting. Letter from Pam Shaw was read indicating her desire for the PC to reconsider her request as she felt that not all the information for her request was presented at the public hearing. Emile Sabty presented a sheet from Robert's Rules and indicated his desire to rescind the motion denying the above referenced application from the 11/6/01 public hearing and meeting. Discussion was then undertaken regarding the legality of rescinding the original decision. Shen Smith asked the chairman to request advice from our legal counsel on the entire matter as she disagreed with Mr. Sabty's interpretation of Robert's Rules regarding rescinding in relation to a public hearing Don Glowicki, Jr. recused himself from any and all action on this issue.

Again, discussion regarding if any significant new material was being presented by the applicant as the applicant was not in attendance and the matter was being advocated by Mr. Sabty. It was determined that no new information was being presented. Renee Mischel indicated she felt uncomfortable with the issues under discussion which were swaying toward inappropriate actions by the Planning Commission. Renee then put forward discussion regarding obtaining a legal opinion from our counsel before any actions be taken.

A motion was made by Emile Sabty to rescind the denial of the original motion regarding the above referenced application on 11/6/2001. Seconded by Harry Potter. **MOTION CARRIED Y-3, ABSTAIN-2, RECUSED-1**

Discussion was then undertaken regarding precedent setting actions in the area of setbacks from property lines, and how the PC has strived to make sure that no action on their part would intentionally create situations which could cause reversal of all setback issues. Emile Sabty made a motion to approve the Upgrade from Class "B" to Class"A" for the Pam Shaw proposal of 11/6/01, 2nd by Harry Potter. **MOTION CARRIED. Y-3, N-2, Recused-1**

Renee Mischel indicated that she would be requesting a determination of legality from our legal counsel on the above actions and would have a report for the next meeting.

Zoning Application: Len Harrett presented a copy of the revised zoning application for review. Suggestions for further revisions included: Add another line for the physical address, request 9 copies of the Site Plan, attach legal descriptions,

Beach Resort: Renee Mischel reported on the joint session between the Village Planning Commission and the Township Planning Commission on January 28th. In attendance for the joint meeting was : Harry Potter, Renee Mischel, Shen Smith, Tom Dame & Len Harrett. A letter is being drafted by the Village to MDOT regarding some joint concerns regarding the State of Michigan Right of Way property.

Meetings. Discussion regarding the legal postings for this meeting which was moved from January 1st to January 3rd. No additional postings were undertaken.

Amending the Zoning Ordinance: Discussion regarding moving the review of Non-Conforming Use Upgrades from the PC to the ZBA . There are many positive reasons to do it and many negative reasons. Renee tabled further consideration to the February meeting.

Garrow Project: Discussion regarding notification of the Garrow family regarding the amendment to the original conditions. Copies of the minutes from the meetings are being sent to the Garrow families. Copies were also sent to the attorney representing the Garrow family.

Grand Traverse Brewing Company: A letter was sent outlining the reasons the PC would not be in favor of activities held within tents when the activity is allowable within a structure on the property currently.

Farm Open Space/Cabana Shores: Tabled

R-1 Rentals (Milton Township): Discussion regarding any actions Elk Rapids Township might be inclined to initiate regarding R-1 rentals. After discussion, it was again agreed to wait and see what actions transpire from the Milton Township survey and PC activities.

As there was no further business at this time, a motion was made by Jim Lundy, 2nd by Harry Potter to adjourn. MOTION CARRIED.

Meeting was adjourned at 8:40 PM

Respectfully submitted,

Shen Smith
Secretary