Elk Rapids Township Planning Commission
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November 5, 2002

The Regular Monthly Meeting of the Elk Rapids Township Planning Commission was called to order by Chairman Renee Mischel on, Tuesday, November 5, 2002, at 6:30 PM, Elk Rapids Township Hall, Corner of River & Spruce Streets, Elk Rapids, Michigan. Present: Renee Mischel, Emile Sabty, Shen Smith Don Glowicki, Jr. & Harry Potter. Absent: Jim Lundy. A quorum was established. Also present: Lukas Hill (Township Planning Consultant), Len Harrett (Township Zoning Administrator), Bill Crain, Christina Dull, Carolyn Shah, Carole Brady, Patrick Brady, Marshall Wright, Nancy Suzor, Dave Suzor, Jerry Rutter, Rick Summers, Sue Summers, Ken Hicks, Scott Nelles, & Frank Rosengren.

PUBLIC HEARING: ELK RAPIDS TOWNSHIP ZONING ORDINANCE RESCIND EXISTING/ADOPT REFORMATED & AMENDED ELK RAPIDS TOWNSHIP ZONING ORDINANCE::
The original Elk Rapids Township Zoning Ordinance was adopted May 29,1979 and readopted again in June/1998. Throughout the years, and through many different word processing programs, the text formatting within the text document has become unstable and unworkable with numerous changes in numbering and section styles. The Township Planning Commission has retyped and reformatted the original document to bring sections, numbering, and typographical errors into conformance with a single workable word processing program.

The purpose of this public hearing is to rescind the original Elk Rapids Township Zoning Ordinance of May 29,1979 and all following amendments and adoptions, then adopt the reformatted and amended Elk Rapids Township Zoning Ordinance in its entirety with all reformatting and amendments through November 5, 2002.

Proposed Section Amendments, in addition to any reformatting, renumbering & correction of typographical errors:

NEW

Table Of Contents Amendments to reflect the following additions:
Amend Chapter 1, Section 1.01 TITLE OF AMENDMENT to drop words "of amendment"
Delete Sub Section 3.05, and renumber Sub Section 3.06 to 3.05
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Renumbering of Chapters:
Chapter 15 - SITE PLAN REVIEW - will renumber to Chapter 17 - SITE PLAN REVIEW including all Sub Sections.
Chapter 16 - ZONING BOARD OF APPEALS - will renumber to Chapter 18 - ZONING BOARD OF APPEALS including all Sub Sections.
Chapter 17 - ADMINISTRATION AND ENFORCEMENT - will renumber to Chapter 19 - ADMINISTRATION AND ENFORCEMENT including all Sub Sections.
Add New Chapter 15 and all Sub Sections 15.01-15.10 entitled "WIRELESS TELECOMMUNICATION TOWERS & ANTENNAS"
Add New Chapter 16 & Sub Sections 16.01-16.18 entitled "SEXUALLY ORIENTED BUSINESSES"

Zoning Ordinance Amendments to reflect the following additions or corrections:
· Delete - Section 1.01 "TITLE" first sentence text and replace with: "Section 1.01 – TITLE - "This Ordinance shall be known as the Elk Rapids Township Zoning Ordinance adopted May 29, 1979, reformatted, with amendments through November 5, 2002"

Error Correction - Chapter Three - "Signs" - Replace the Sub Section 3.07 number, with 3.05
Renumber Chapter 15 - SITE PLAN REVIEW & Sub Sections 15.01 - 15.12 to Chapter 17.
Renumber Chapter 16 - ZONING BOARD OF APPEALS & Sub Sections 16.01 - 16.11 to Chapter 18.
Renumber Chapter 17 - ADMINISTRATION AND ENFORCEMENT & Sub Sections 17.01 - 17.10 to Chapter 19.
Delete Chapter 1, Sub Section 1.01 - TITLE Effective Date text and replace with: Chapter 1, Section 1.01 - TITLE -

Effective Date - "This Ordinance shall become effective seven (7) days after publication of same. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed."
Add "WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS" as new Chapter 15 with Sub Sections 15.01 - 15.10.
Delete "Repealer" from Wireless Telecommunications Towers and Antennas Ordinance.
Delete "Effective Date" from Wireless Telecommunications Towers and Antennas Ordinance.

Add "SEXUALLY ORIENTED BUSINESSES" as new Chapter 16 with Subsections 16.01-16.18.
Delete "Effective Date" from Sexually Oriented Businesses Ordinance.
Delete - "Conflicting Ordinances Repealed"

Chairman Mischel opened the public hearing. No correspondence was received. Two copies of the reformatted ordinance have been submitted to Antrim County Planning Commission. Carole Brady spoke with a concern that the Township not invalidate the original ordinance through the process of rescinding and readopting of the ordinance. Emile Sabty & Shen Smith spoke as to the advice they have received on the issue from Williams & Works, Township Attorneys and Antrim County Planning. A motion was made by Shen Smith, 2nd by Renee Mischel to close the public hearing. MOTION **CARRIED Y-ALL, N-NONE**

A motion was made by Emile Sabty, 2nd by Shen Smith to correct the following missed "typos" in the Ordinance text:

- Section 1.01: Title – add the word "Ordinance" in first line following Elk Rapids Township Zoning..
- Section 7.01 "D" Add the word "public" before the word "art galleries".
- Section 16.02 "A" Paragraph starting with – "A commercial establishment may have.." delete the word "above". **MOTION CARRIED – Y-ALL, N-NONE**

A motion was made by Emile Sabty, 2nd by Renee Mischel to approve the rescinding of the May 29, 1979 Ordinance with amendments and approve the re-adopted and reformatted Elk Rapid Township Zoning Ordinance of May 29, 1979 with all amendments through November 5, 2002. **MOTION CARRIED Y-ALL, N-NONE**

October Minutes: Corrections – spelling on Lukas Hill's name. A motion was made by Renee Mischel, 2nd by Emile Sabty to approve October minutes as corrected. **MOTION CARRIED. Y-ALL, N-NONE**.

UNFINISHED BUSINESS

UNTABLE - NON-CONFORMING STRUCTURE UPGRADE FROM CLASS "B" TO CLASS "A", for Nancy Suzor, et all, 8647 N. Bayshore Drive, Elk Rapids, Michigan 49629, Lot 12, Elk Rapids Shores Subdivision, property tax number 05-06-350-004-00. Applicant seeks permission to create an addition to the non-conforming residence. The chairman opened the Suzor hearing to the public. No correspondence was received. Nancy Suzor spoke presenting her site plan and indicating a need for more living space within her 800 S.F. A-frame cottage as she has a very large family thus the wish to double the living space. :
Hill Memorandum of 10/30/02 was summarized for the meeting attendees with a look at four criteria being used in consideration of the application. (Memorandum of 10/30/02 Suzor Application/Existing Non-Conforming Structures and Uses attached as part of these minutes).

Emile Sabty suggested that moving the existing structure to bring it into conformance with the ordinance might be in order for this proposal.

After careful consideration of the proposal, the surrounding neighborhood, health, safety and welfare issues, a motion was made by Shen Smith, 2nd by Renee Mischel to approve the upgrade from Class "B" to Class "A" Nonconforming Structure for the home located at 8647 N. Bayshore Drive, Elk Rapids, MI 49629 Lot 12, Elk Rapids Shores Subdivision, property tax number – 05-06-350-004-00. **MOTION DENIED. Y-1 N-4.**

G. & R. Filar Application For Special Exception within the Environmental Zone: - No updates.

ELK RAPIDS SPORTSMAN'S CLUB: - No updates from Township. Shen Smith indicated her concern regarding the current zoning on the Township owned property and feels the Planning Commission might consider rezoning this property from "E" to either "R-1" or "A" which would be more appropriate zoning for the 21 acre parcel in question.

NEW BUSINESS:

ELK RAPIDS INN & SUITES – Jerry Rutter. A preliminary site plan review was conducted on site plan for proposed inn to be located on US-31 property tax number 05-06-029-006-15 currently owned by Chris Hubbell. Planning Commission instructed developer of the 150' from the US-31 centerline setback being imposed for all structures to be constructed along US-31 road frontage.

ANTRIM COUNTY PARKS & RECREATION COMMISSION – Howard Yamaguchi. Discussion for improvements to the Antrim County Day Park were discussed. A motion was made by Renee Mischel, 2nd by Emile Sabty to create an ad hoc "Parks Committee" to be comprised of Patrick & Carole Brady and Carolyn Shah which will report directly to the Elk Rapids Township Board regarding Township participation in the Antrim Country Day Park located on south Bayshore Drive, Elk Rapids, Michigan. **MOTION CARRIED. Y-ALL, N-NONE.**

STUDY GROUP SESSIONS: After discussion it was determined that the Planning Commission will meet in study session on the following dates:

December 3, 2002 – 5:00 PM	Non-conforming Structures & Uses Open Space Requirements / Ordinance
January 2, 2003 – 5:00 PM	Master Plan Review

CERTIFICATIONS OF APPRECIATION: A motion was made by Shen Smith, 2nd by Emile Sabty to request of the Elk Rapids Township Board special appreciation certificates be awarded to the Wooden Hammer and Michigan Lake Products businesses for outstanding landscape designs in keeping with the Elk Rapids Township Zoning Ordinance. **MOTION CARRIED. Y-ALL, N-NONE.**

As there was no other business, a motion was made by Renee Mischel, 2nd by Harry Potter to adjourn. **MOTION CARRIED Y-ALL, N-None.** Meeting was adjourned at 9:00 PM

Respectfully submitted,

Shen Smith
Secretary

Attached to these minute and incorporated as part of: Lucas Hill Memorandum