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

October 8, 1990

SPECIAL MEETING OF THE ELK RAPIDS PLANNING COMMISSION

The Special Meeting was called to order at 7:00 P.M. on October 8, 1990 by the Secretary in the absence of the Chairman and Vice Chairman.

ROLL CALL	Present	Felix Casillas Leonard Klein Shen Smith Dean Veliquette
	Absent	Dick Jobe Bill White Todd Parent

A quorum was established

Also present: Ken Smith, Zoning Administrator and Debbie George.

READING OF THE MINUTES OF THE LAST MEETING

The minutes of the October Regular Meeting were deferred to the First Monday of the Month Regular Meeting for review and approval. The status of the special meetings of the Planning Commission were discussed. It was determined that any action taken by the Planning Commission at a special meeting after proper notification of that meeting would be legally binding on the Commission.

The secretary reported that the letter regarding the Herman project has all ready been sent to the County Planning Commision. The maps and development plan on this project will be taken to the meeting by Ken Smith on October 23, 1990.

Leonard Klein requested that an agenda be established for the order of priority on the revision and amendment of the zoning ordinance. Also Monday was determined to be the day to work on the zoning ordinance text and Wednesday would be the day to work on the zoning map overlay.

Ken Smith stated that he will set up a zoning map with a blank overlay mylar sheet for the following Wednesday's meeting.

A priority list for review of the ordinance was compiled as follows:

1. Site Plan Review Ordinance to cover:

   A. P/O Zone
   B. R-2 and R-3 Zone
   C. Commercial Zone
   D. Manufacturing Zone
   E. Agricultural Zone

2. Review and revision where needed in all zones of Ordinance

3. SUBDIVISION CONTROL ORDINANCE

A PRIORITY LIST WILL BE ESTABLISHED AT THE WEDNESDAY SPECIAL MEETING TO SET AN AGENDA FOR ZONING MAP MEETINGS.

P/O ZONE

AS THE FIRST ORDER OF BUSINESS AT THIS MEETING AS REQUESTED BY DEAN VELIQUETTE WAS THE P/O ZONE; THE SECTION WAS READ AND DISCUSSED. IT WAS DECIDED THAT THIS ZONE SHOULD BE RETAINED AS IS FOR THE "NON-ORDINARY" USES THAT WILL ARISE IN THE TOWNSHIP. FURTHER STUDY WILL BE UNDERTAKEN ON THE USES CURRENTLY LISTED WITHIN THIS ZONE. IT WAS DETERMINED THAT MULTIPLE FAMILY HOUSING PROJECTS (R-3) DO NOT BELONG IN THE P/O ZONE. FELIX CASILLAS REQUESTED THAT THE CURRENTLY LISTED PROJECTS IN THE P/O ZONE BE LOOKED AT FURTHER FOR THEIR SUITABILITY TO BE INCLUDED IN OTHER ZONES WHERE THEY MIGHT BE ALLOWED AS A SPECIAL LAND USE WITHIN THAT ZONE.

R-3 ZONE

DISCUSSION ON THE R-3 ZONE DETERMINED THAT OUR ORDINANCE AS IT CURRENTLY READS REQUIRES A MINIMUM OF FIVE (5) ACRES FOR AN R-3 PROJECT. KEN SMITH SAID THAT THIS MAY NOT BE THE CORRECT INTERPRETATION OF THE STATED AREA IMENSIONS IN THE ORDINANCE. THIS QUESTION WILL REQUIRE INTERPRETATION AS TO THE EXACT MEANING OF THE SQUARE FOOTAGE LANGUAGE. THE CONSENSUS OF THE COMMISSION WAS THAT NO LESS THAN FIVE ACRES WOULD BE ALLOWED FOR AN R-3 PROJECT. AN ACREAGE REQUIREMENT OF NO LESS THAN SEVEN ACRES FOR AN R-3 PROJECT WAS PROPOSED TO REPLACE THE CURRENT TEXT WORDING.

SECTION 17.07 WOULD BE REMOVED FROM THE ORDINANCE AND IN IT'S PLACE WILL BE INSERTED A SITE PLAN REVIEW ORDINANCE TO COVER THE HANDLING OF ALL SPECIAL USE PERMITS AND SPECIAL LAND USE PERMITS. REVIEW OF ALL PROPOSED PROJECTS AND BUILDING PLANS IN A ZONE LOWER THAN R-1 WOULD COME TO THE PLANNING COMMISSION FOR RECOMMENDATION. IT WAS DECIDED THAT FINAL APPROVAL OF ALL PLANNING COMMISSION DECISIONS REGARDING SITE PLAN REVIEW AND SPECIAL LAND USES WOULD BE SUBJECT TO THE FINAL APPROVAL OF THE TOWNSHIP BOARD. DISCRETIONARY DECISIONS ON R-1 SITE PLANS WOULD REMAIN IN THE HANDS OF THE ZONING ADMINISTRATOR/PLANNING DEPARTMENT APPEALABLE TO THE ZONING BOARD OF APPEALS.

A MOTION WAS MADE BY LEONARD KLEIN, SECONDED BY FELIX CASILLAS, THAT WE RETAIN BRUCE ONTENDURDER AS A PLANNING CONSULTANT DURING THIS REVISION PERIOD TO PUT OUR PROPOSED TEXT AMENDMENTS INTO PROPER FORM (CHAPTER AND VERSE) AND TO RENDER OPINIONS AND RECOMMENDATIONS ON OUR PROPOSED TEXT CHANGES. MOTION CARRIED

SITE PLAN REVIEW

FTER DISCUSSION, THE SAMPLE SITE PLAN REVIEW ORDINANCE FROM WHITEWATER OWNSHIP WAS SELECTED AS THE ORDINANCE MOST SIMILAR TO OUR EXISTING ORDINANCE WHICH WOULD REQUIRE THE LEAST AMOUNT OF MODIFICATION. ALL MEMBERS WERE ASKED TO STUDY THIS ORDINANCE MORE CAREFULLY FOR THE WEDNESDAY MEETING.

PROPOSED TEXT AMENDMENT ON NATIVE PROTECTION STRIP

KEN SMITH FELT THE REQUIREMENT OF A DNR PERMIT AND THE APPROVAL OF THE PLANNING COMMISSION WERE SUFFICIENT CONTROL OVER PRIVATE BOAT RAMPS. HE DIDN'T FEEL THE TOWNSHIP COULD EXCLUDE A RIGHT GRANTED BY THE STATE TO OTHER RIPARIANS ON ACTIVITIES BELOW THE HIGH WATER MARK. THE ONLY CONTROL THE TOWNSHIP WOULD HAVE IS ON LAND ABOVE THE HIGH WATER MARK WHICH IS CURRENTLY HANDLED BY AN APPROVAL METHOD. THIS APPROVAL METHOD COULD BE DEFINED FOR FURTHER CONTROL IF DEEMED NECESSARY. AFTER DISCUSSION, THE QUESTION OF PRIVATE BOAT RAMPS IN THE TOWNSHIP WAS TABLED UNTIL AN APPROVAL METHOD WOULD BE DEFINED.

THE NATIVE PROTECTION STRIP WAS DISCUSSED DEFINING THE PURPOSE OF THIS STRIP AS A METHOD TO PRESERVE OUR SHORELINES IN THEIR NATURAL STATE WITH LITTLE MAN-MADE INTRUSION. LEONARD KLEIN BROUGHT TO THE ATTENTION OF THE COMMISSION TWO VIOLATIONS OF THE NATIVE PROTECTION STRIP ON ELK LAKE. HE STATED THAT THESE VIOLATIONS HAD OCCURRED TO LAKE SHORE ALREADY UNDER THE PROTECTION OF THE ORDINANCE. HE FELT THERE SHOULD BE A METHOD TO MAKE THE PUBLIC AWARE OF THE TOWNSHIP ORDINANCES PRIOR TO THE ISSUANCE OF BUILDING PERMITS OR THE SALE OF THE WATER FRONT PROPERTIES. DEBBIE GEORGE STATED THAT NOTICE OF THE ORDINANCE RESTRICTIONS SHOULD BE PUBLISHED IN THE TOWN MEETING AT REGULAR INTERVALS DURING THE YEAR TO KEEP THE PUBLIC INFORMED OF THE LAKE SHORE PROTECTION STRIP AND THAT LETTERS SHOULD BE SENT TO ALL REAL ESTATE OFFICES IN THE AREA INFORMING THEM OF THE ORDINANCE RESTRICTIONS. SHE STATED THAT NEW STATE LAWS ARE MAKING REALTORS MORE LIABLE FOR NON-DISCLOSURES TO POTENTIAL BUYERS.

KEN SMITH STATED THE BEST WATCH DOGS ARE THE PROPERTY OWNERS THEMSELVES AND THAT MOST VIOLATIONS ARE REPORTED BY NEIGHBORS. HE FEELS THAT THE IDEA OF PERIODIC PUBLICATION OF THE REQUIREMENTS OF THE ORDINANCE WOULD HELP WITH THE VIOLATION PROBLEM. KEN ALSO STATED THAT MOST OF THE VIOLATIONS HAVE OCCURRED PRIOR TO THE PROPERTY OWNER REQUESTING A BUILDING PERMIT SO THE PUBLIC AWARENESS AND NOTICE TO THE REALTORS APPROACH WOULD BE THE BEST METHOD. THE CONSENSUS OF THIS COMMISSION IS TO DRAFT A LETTER TO THE REALTORS AND PUBLISH THE ORDINANCE REQUIREMENTS THREE TIMES YEARLY.

A MOTION WAS MADE BY FELIX CASILLAS, SECONDED BY DEAN VELIQUETTE, TO APPROVE THE PROPOSED ZONING TEXT AMENDMENT AS PUBLISHED FOR THE PUBLIC HEARING. MOTION CARRIED

A MOTION WAS MADE BY FELIX CASILLAS, SECONDED BY DEAN VELIQUETTE, TO LIMIT THE SPECIAL MEETINGS TO TWO HOUR SESSIONS. MOTION CARRIED

AS THERE WAS NO FURTHER DISCUSSION AT THIS TIME, A MOTION WAS MADE BY FELIX CASILLAS, SECONDED BY DEAN VELIQUETTE, TO ADJOURN.

MOTION CARRIED

MEETING WAS ADJOURNED AT 9:00 P.M.

RESPECTFULLY SUBMITTED,

Ken B. Smith

KEN B. SMITH
SECRETARY