

**Elk Rapids Township Planning Commission
Regular Quarterly Meeting
Meeting Minutes - Tuesday, January 16, 2018**

The meeting of the Elk Rapids Township Planning Commission was called to order by Chairperson Shen Smith at 6:30 pm at the Government Center, 315 Bridge Street, Elk Rapids, MI 49629

Present: Shen Smith, Renee Mischel, Emile Sabty, Pug Sliger, James Lundy, Aaron Isenhardt (*Quorum Established*)

Absent: Gary Pepler.

Also Present: Larry Nix, Zoning Administrator & William Derman, Township Attorney
Audience: Pat Brady

Adoption of Agenda: Agenda for the January 16, 2018 meeting was unanimously approved
M/S Sliger/Mischel by the Commission. **Motion Approved**

Public Comments: None.

Approval of Minutes: Minutes for the November 21, 2017 meeting was unanimously approved and
M/S Mischel/Sliger adopted by the Commission. **Motion Approved**

Public Hearing – Site Plan Review: Under consideration is a request for approval of a Site Plan Review for R-1 Shoreline Renovation; consistent with the provisions of Section 2.11 of the Elk Rapids Township Zoning Ordinance. The applicants Jesse and Susan Reiter are owners of the R-1 zoned residential property located at 6136 Winters Trail, Kewadin, MI 49648, Tax ID #05-06-003-023-00.

Note: Neither M&M Reiter nor a representative from Wilhelm Landscapes were present for the Public Hearing.

Motion to Open Public Hearing:
M/S Mischel/Lundy **Motion Approved.**

Public Comments: None.

Township Zoning Administrators Report – Larry Nix

Application Correction: Mr. Nix noted that the Reiter’s/Wilhelm Landscapes originally submitted an application for a “Special Exception-Special Use Permit”. Mr. Nix requested that Mr. Wilhelm file a revised application making a correction on page 2 for a Site Plan Review. The corrected application has a strike through on the “Special Exception” section, and the correct Site Plan Review section is checked with “residential shoreline renovation” noted. It was confirmed that all Planning Commission members have received the corrected application.

Mr. Nix referenced his final report dated January 8, 2018 regarding the Site Plan Review for Shoreline Modification – Jesse and Susan Reiter, 6136 Winters Trail, 05-06-003-023-00. A summary of the discussion follows:

- The applicants wish to construct a boulder wall and steps, to eliminate or reduce the shoreline erosion occurring along their property due to high water levels and high winds along Lake Michigan. The erosion is taking away roots, sand as well as a tree.
- The natural stone boulder wall will be 100’ long and approximately 3-4’ high with a stairway built into the middle of the rock wall.
- A Soil Erosion Permit has been issued to the Reiter’s by Heidi Shaffer, Antrim County

Soil Erosion Officer. The only notation that Ms. Shaffer required of the project is that the disturbed areas during the construction of the wall needs to have some sort of plantings/beach grass to help stabilize the sand.

- Mr. Nix also noted that residents within 300 feet of this project have been notified. Some neighbors did come into the Township office to view the application and site plan because they are dealing with the same erosion problems. However, no verbal or written concerns or complaints were received.
- Mr. Sabty referenced the “Reiter Section View’ map and questioned whether or not some sort of fabric would be installed behind the boulder wall. It was later noted that the “Reiter Site Plan’ map does note the installation of fabric to be used behind the rock wall and that the type of fabric used (woven or non-woven), was a decision for the engineer to make.
- It was further noted that the boulder wall does not extend across the full width of the property and that the wall was only addressing the portion of the property that was experiencing erosion. Discussion ensued that the unprotected portions of the property may be impacted by the installation of this wall.

Township Legal Staff: Mr. Bill Derman stated that he had nothing to add to the Zoning Administrators Report and that he supports the 3 recommendations on this shoreline modification as outlined in Mr. Nix’s report.

Motion to close the Public Hearing:

M/S Mischel/Lundy

Motion Approved

Motion to approve the site plan application for shoreline modification subject to the following 3 conditions:

M/S Mischel/Lundy

1. The applicant shall comply with the requirements of the Antrim County Soil Erosion Permit.
2. A plant restoration plan and soil stabilization plan are to be submitted for approval by the Soil Erosion Officer and the Elk Rapids Township Zoning Administrator prior to work beginning on the project..
3. Inspections as noted in Section 2.11, D, 3 of the Zoning Ordinance shall be conducted and compliance with the Zoning Ordinance and all other applicable regulations shall be maintained at all times.

Motion Approved

Incomplete Approval Process: As the Applicant/Representative were not present at the Public Hearing; the Planning Commission did approve the Site Plan Review request. However, in order to complete the approval process, the PC Chair, the Zon Admin and the Applicant/Rep must officially sign and date the site plans approved at the Public Hearing to make the approval legal.

Township Zoning Administrators Report – Larry Nix

- A copy of the Zoning Administrators Planning & Zoning Activities 2017 Annual Report was referenced and provided to the Planning Commission. (No discussion).
- Mr. Nix reported that Antrim County is updating their Master Plan and has issued a statement saying that their Master Plan is out for review. Deadline for review/input is the end of January. Chair Smith asked Mr. Nix to review the County’s Master Plan to see if there is anything that might impact Elk Rapids Township. Mr. Nix agreed to review the Master Plan and suggested to the Planning Commission that if he does find something that is of a concern to the Township, he would be willing to compose a letter on behalf of the Commission to the County.
- It was noted that the Chairperson Smith would also sign the letter and copies of this letter would be provided to each Commission member.

Motion to grant Chair Smith and Zoning Administrator Larry Nix any latitude they need in order to facilitate the Antrim County Master Plan.

M/S Mischel/Lundy

Motion Approved

Township Legal Staff Report – Mr. William Derman

- Mr. Derman provided the Planning Commission with a copy of Michigan Ballot Proposals, highlighting the Coalition to Regulate Marijuana Like Alcohol. This proposal would allow MI residents 21 years and older to possess and use marijuana for recreational purposes similar to the structure in place for medical marijuana. On November 20, 2017, petitions with more than 360,000 signatures were submitted to the Bureau of Elections. Mr. Derman noted that it takes 252,523 valid signatures to get this on the November 2018 ballot.
- The Board discussed if this passes, how will it impact Zoning and Planning in the Township. Mr. Derman suggested that the Board first wait to see how many of the signatures obtained are valid. That will determine if this proposal will be on the November 2018 ballot.
- Mr. Derman also noted he has nothing new to report on short-term rentals. This bill still remains in committee.

Conclusion: Mr. Derman will continue to watch what happens in the State on these two issues and report back to the Planning Commission with any new information.

Unfinished Business: Lakefront lots and the clear cutting of trees in the front yard setback areas.

In an effort to educate property owners, and address the clear cutting of trees; as well as other violations in the Township, Zoning Administrator Nix referenced an educational statement he composed entitled: *“Elk Rapids Township Planning and Zoning Thoughts on Quality Of Life”*, dated January 8, 2018.

Mr. Nix read and reviewed the educational statement to the Planning Commission. A summary of the discussion regarding this document follows:

- The Board discussed the importance of educating property owners, realtors, builders, landscapers, lake associations, etc., on being in compliance with the rules and regulations outlined in the Township Zoning Ordinance as well as maintaining and preserving the Township’s natural resources.
- The issue of some property owners clear cutting of trees on lakefront lots was discussed. The Commission confirmed that the Township only regulates the first 25 feet of a property, while Antrim County regulates the second 25 feet.
- The concern that Antrim County is allowing property owners to clear cut trees as long as they leave the stumps was discussed. It was suggested that it might be helpful for the Planning Commission to meet with Heidi Shaffer, Antrim County’s Soil Erosion Officer, to determine if this process is being allowed and communicated to property owners.
- The Planning Commission noted the importance of respecting individual property rights. The Township can suggest homeowners try to preserve trees along the lakeshore, however, they cannot demand it if they are in compliance with the existing rules and regulations outlined in the Township Zoning Ordinance regarding tree cutting.
- It was suggested that the educational piece to property owners include a clear statement noting that they live in a zoned community. Therefore, before any construction, building modifications or alterations to the landscape are made, owners should first contact the Township to ensure they are in compliance with the Township Zoning Ordinance.

Motion to approve the Quality of Life educational piece with the inclusion of the statement that we live in a zoned township and property owners should contact the Township before performing any building or landscape alterations to make sure they are compliant.

M/S Smith/Mischel

Motion Approved

Conclusion: The Planning Commission authorized Zoning Administrator Nix to amend the “Quality of Life” educational statement as outlined above. After the statement is amended, Mr. Nix will provide each Board member with a copy of the revision. The Commission asked that Mr. Nix, Mr. Derman and Mr. Isenhart request that the Township Board consider the following recommendations regarding the educational statement:

- Publish the two last paragraphs (*the part in caps*) of the statement as amended in the Elk Rapids News.
- A copy of this document be included in the tax bills.
- Notify the Board that the Planning Commission plans to post this statement on the Township website.

New Business:

Public Hearing/Public Notice Requirements – The Planning Commission thanked Emile Sabty for compiling this detailed informational page outlining what is required for public hearings. (No discussion).

Zoning Fee Study – Zoning Administrator Larry Nix prepared a memo and charts (dated 11/6/2017) researching Township costs on planning and zoning items with a comparison to what other communities charge for similar services. A summary of the discussion follows:

- It was noted that the schedule of fees for planning and zoning items had not been changed in over 21 years.
- Chair Smith recommended that the 5 Planning Commission members who are currently paid \$35 per meeting be increased to \$50 per meeting.

Conclusion: The Planning Commission thanked Mr. Nix for all his efforts in compiling the Zoning Fee Study. The Commission approved the new Township Planning and Zoning Fee Structure recommendations to be presented to the Township Board.

Township Master Plan -

- The Collaborative Master Plan was updated in 2013.
- State law requires that the Master Plan be reviewed every 5 years.
- Mr. Nix met with Steve Ravezanni (Village Zoning Administrator) and noted that the Village will have some minor updates to their section of the Master Plan.
- The Commission agreed to continue to collaborate with the Village on the Master Plan.
- In anticipation of reviewing and updating the Master Plan, Mr. Nix recommended that each Commission member take the time to read the Master Plan and consider reviewing the following items:
 1. US-31 (Hacienda Restaurant area). Currently not master planned for Commercial use.
 2. Birch Lake Road (Boat Repair Facility). Currently zoned Residential.
 3. Multiple family housing.
 4. Future land use.
 5. Potential for new roads.

Public Comments: None.

Member Comments: 2018 MTA Conference – April 23-26, 2018 – Grand Traverse Resort

- The Planning Commission was encouraged to review the list of upcoming MTA Conference educational sessions and contact the Township Clerk (Shelley Boisvert) if they are interested in attending one or more sessions during the conference.

Adjournment:

M/S Lundy/Mischel

Motion to Adjourn.

Motion Approved.

Meeting was adjourned at 8:12 PM

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(version as of 1/23/18 – Noon)