

**Elk Rapids Township Planning Commission
Regular Quarterly Meeting
Meeting Minutes - Tuesday, May 8, 2018**

The meeting of the Elk Rapids Township Planning Commission was called to order by Chairperson Shen Smith at 6:35 pm at the Government Center, 315 Bridge Street, Elk Rapids, MI 49629

Present: Shen Smith, Emile Sabty, Pug Sliger, James Lundy, Gary Pepler, and Aaron Isenhardt

Absent: Renee Mischel

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

Adoption of Agenda: Agenda for the May 8, 2018 meeting was unanimously approved by
M/S Lundy/Sliger the Commission. **Motion Approved**

Public Comments: None.

Approval of Minutes: Minutes for the January 16, 2018 meeting was unanimously approved and
M/S Lundy/Pepler adopted by the Commission. **Motion Approved**

Township Zoning Administrators Report: A summary of Mr. Nix's report follows:

- Two zoning permits were issued this month and two last month.
- Mr. Nix and Mr. Lundy are reviewing all the zoning permits issued in 2017 to check the status of the building project as well as permit expiration dates.
- The Special Use Permit for Pad Lock LLC expired on 11/1/17. Mr. Nix noted that Mr. Wiltse has completed some landscaping requirements, however, it does not appear that any building has taken place. Mr. Nix reported that he plans to follow-up with Mr. Wiltse to see if he needs an extension on this permit. If an extension is needed, he will request that Mr. Wiltse write a letter to the Planning Commission requesting an extension.
- Uncle Rod's – A site plan was previously approved for Uncle Rod for a U-Haul and a property barrier. Mr. Nix noted that a fence has not yet been built and plans to stop by Uncle Rod's next week to check the status of this project.

“Quality of Life” Educational Document: Mr. Nix reported that this document has been revised per the Planning Commission's request. (*copies of the revised educational piece were provided to the members*). Zoning Administrator Nix noted that he plans to put together a cover memo to the Township Board on the Quality of Life document as well as the Zoning Fee Schedule. Mr. Nix is scheduled to present this information at the June Board meeting and will keep the Planning Commission informed of the status.

Township Legal Staff Report: A summary of Attorney Derman's report follows:

- Mr. Derman provided the Commission with a list of municipalities opting in to allow medical marihuana facilities. Mr. Derman also informed the commission that the legalization of recreational marihuana is slated to be on the MI November ballot. Mr. Derman further reported that Elk Rapids Township has already opted out of allowing medical marihuana facilities in two ways. First with a motion and also with a formal resolution that was sent to the State of Michigan.
- Mr. Derman also provided the Commission with a copy of an article that appeared in the ***Record Eagle*** on May 2, 2018 comparing 2017 and 2018 single-family home sales in Antrim County as well as 4 other counties in the area.

- Attorney Derman had nothing new to report on short-term rentals. However, Mr. Nix noted that there is a seminar on short term rentals on May 16, 2018 from 6:00 – 9:00 PM at the NW Michigan Works located at 1209 Garfield Avenue in Traverse City. Registration for this seminar is \$40. Mr. Derman indicated that he will try to attend. Chair Smith encouraged other members to attend if possible and report back to the Commission.

Unfinished Business: Emile Sabty and Larry Nix met this afternoon to review a list of unfinished items that were brought up and discussed at previous Planning Commission meetings. Below is a summary of the review of these items and the discussion that ensued:

- **Pad Lock LLC** – As previously mentioned in his Zoning Administrator’s report, Mr. Nix plans to follow-up with Mr. Wiltse to see what progress he has made with his building project and if an extension on his Special Use Permit is needed.
- **Reiter Site Plan** – When this site plan was approved on 1/16/18 it was contingent on the applicant putting together a restoration plan. Mr. Nix has received a site plan from Heidi Schaffer, Antrim County Soil Erosion Officer that needs to be signed by Chair Smith as well as the applicant or their representative. Mr. Nix will have the appropriate paperwork prepared for signature at the Township offices.
- **Quality of Life / Fee Schedule**– Zoning Administrator Nix will be presenting a report on these two items to the Township Board in June.
- **R-3 White Paper Document** – The Commission asked that Mr. Nix email a copy of the white paper document to the Commission so that each member has the opportunity to review the material and determine if this information should be part of the Master Plan. Even though the white paper was reviewed and approved by four sub-committee’s years ago, it was agreed that the Commission should review the white paper again to determine if this information is something that needs to be part of the 2018 Master Plan revisions.
- **Protection of Agricultural Land Use** – Protection of the agricultural property on the South side of town was a concern raised by Chair Smith. It was noted that the current version of the Collaborative Master Plan does address this concern to protect local farmers. (*Reference pages 26-30 of the Collaborative Master Plan*).
- **MDOT TART Trail** – The Commission talked about the status of the proposed TART Trail Project along US-31 and if this is something that should be noted in the Master Plan. The Commission acknowledged that the Township Master Plan and Zoning Ordinance does not address what happens in the US-31 right-of-way, and therefore, there was nothing the Planning Commission could do if the trail is in the ROW. Chair Smith asked if the trail could move to the west side of US-31 instead of the proposed east side. Mr. Derman reported that as far as he knew, the trail has not been fully planned at this time and that an Engineering Study and funding still needs to be completed before any decisions can be made regarding the proposed bike trail.
- **Collaborative Master Plan** – Mr. Nix announced that the Village has completed all the changes they needed to make in the Master Plan. The Commission discussed the benefits of continuing to collaborate with the Village on the Master Plan. After a quick survey, each member of the Commission was in favor of a collaborative Master Plan with the Village.

M/S Smith/Isenhardt Motion to collaborate with the Village on the 2018 Master Plan.

Motion Unanimously Approved

- **Master Plan Discussion:** The Commission discussed updating the Township’s Master Plan. A list of suggested items to be studied and reviewed are below:
 - 1) Parks & recreation areas “P” Classification.
 - 2) Identify Commercial area on Birch Lake Road.
 - 3) R-2 Areas excess designation review
 - 4) Environmental District Review.

- 5) Parcels with use and assessed classification different from zoned classifications.
- 6) “R-3 white paper” document.
- 7) US-31 (Hacienda Restaurant area) – Currently not master planned for Commercial use.
- 8) Boat repair facility on Birch Lake Road – Currently zoned Residential.
- 9) Future land use.
- 10) Potential for new roads.
- 11) Preservation of agricultural land use.
- 12) Maps.
- 13) Real estate values.
- 14) Sewer extensions.
- 15) School census.

It was noted that the process for updating and approving any revisions to the Township’s Master Plan is a very extensive process with many requirements and timelines. (public hearings, county and local municipality involvement, waiting period, appropriate notifications, etc.). Concern was expressed regarding “spot zoning”. After much discussion it as determined that the Master Plan would protect against spot zoning.

M/S Pepler/Lundy Motion to authorize Larry Nix and Bill Derman to go forward with the Master Plan Update Project. Giving them authorization to utilize any other staff that is needed for assistance in preparing material for consideration by the Planning Commission to review for the drafting of appropriate changes to the Master Plan.

Motion Unanimously Approved

- It was noted that the 2018 Master Plan Update Project will continue to be on the Planning Commission agenda until completion.
- **Lakefront Tree Cutting** – Zoning Administrator Nix reported besides revising the “Quality of Life” educational piece, there is nothing new to report on the concern over the clear cutting of trees on lakefront properties. The members agreed that this is a difficult issue to address because the Township does not regulate the cutting of trees beyond the 25’ set-back, and it is difficult to dictate what people do on their own property. The Commission hopes that the “Quality of Life” document will make people think twice about cutting down trees and also educate them regarding the Township Zoning Ordinance requirements.

New Business:

- Discussion and consideration of a possible date change for Planning Commission monthly meetings to 2nd Tuesday of each month instead of the 3rd Tuesday of each month.

M/S Lundy/Pepler Motion to officially change the Planning Commission Meetings to the 2nd Tuesday of each month at 6:30 PM.

Motion Unanimously Approved

- Based upon the approval of this Motion, Mr. Sabty provided each member of the Commission with a copy of the revised Planning Commission meeting dates.

Public Comments: A summary of the comments and discussion that ensued follows:

- Mr. Pat Brady approached the microphone and stated that he has been concerned with the R-3 since about January, 2015. For months Mr. Brady felt that the commission appears to be “planning by committee rather than by planning by community”. Mr. Brady

expressed concern that the R-3 issue keeps popping up and feels there is a push to get certain areas of the community designated as R-3. He stated that he wants to be on record that he has a sense that there is an impetus to designate certain areas of the community for high density development which is a controversial use.

Member Comments:

- Mr. Sabty noted that he had a record of Mr. Brady's comments from previous Planning Commission meetings.
- Chair Smith stated that what Mr. Sabty brought up has no bearing whatsoever on what was being discussed and asked if there are any other member comments. There were none.

M/S Lundy/Peppler Motion to Adjourn.

Motion Approved.

Meeting was adjourned at 8:12 PM

(version as of 5/22/18 – 12:30 PM)