

Elk Rapids Township Planning Commission
PUBLIC HEARING
Meeting Minutes – Tuesday, September 11, 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, Emile Sabty, Pug Sliger, James Lundy, Gary Pepler, Aaron Isenhardt **(*Quorum Established*)**

Absent: Renee Mischel

Also Present: William Derman, Township Attorney, Larry Nix, Zoning Administrator
Audience: Pat & Carole Brady, Trish Pearlman, Pete VanDenBerge

Adoption of Agenda: **Motion to approve the September 11, 2018 Agenda.**
M/S Sliger/Sabty **Motion Unanimously Approved.**

Public Hearing: **2018 Amended Collaborative Village of Elk Rapids and Township of Elk Rapids Master Plan Text & Maps**

The required public hearing is to acquire public input prior to final approval of the amended 2018 Collaborative Master Plan. The amended 2018 Plan has already gone through the necessary advisory approvals from the surrounding entities. After public input at the public hearing, the 2018 Plan is finally approved and forwarded to the Elk Rapids Township Board for their concurrence and adoption. A copy of the amended 2018 Collaborative Master Plan can be viewed online at www.elkrapids.com or at the Government Center at 315 Bridge Street, Elk Rapids, MI during normal business hours. Public comments in support or objection to a request will be heard at the meeting, or may be made in writing addressed to the Planning Commission, P.O. Box 365, Elk Rapids, MI 49629.

M/S Sliger/Pepler **Motion to open public hearing**
Motion Unanimously Approved.

Public Comments: Mr. Pat Brady, Elk Rapids Township resident, approached the microphone to address the Planning Commission. Mr. Brady summarized his concerns as outlined in his letter to to the Planning Commission dated September 7, 2018. A summarization of Mr. Brady’s concerns and comments follows:

- The Township’s R-3 high-density residential process has been a concern to Mr. Brady for several years.
- Mr. Brady noted that he believes the master planning process should involve the community. Mr. Brady feels like the Planning Commission has been master planning by “committee instead of community”.
- Mr. Brady believes master planning is a very important process because it is the future view of what the Township plans to do with the property in the community, and has concerns regarding the future land use map.
- Mr. Brady noted the importance of the R-3 white paper being incorporated into the master plan because it outlines and memorialize the Planning Commission’s master planning process.

- Mr. Brady expressed concern that the R-3 white paper state the selection process involved citizens. Mr. Brady does not believe this is an accurate statement and does not think the public was involved in this process.
- Mr. Brady expressed concern that the white paper is misleading because no R-3 high-density residential properties were ever identified in the Village. Only properties located in the Township were discussed and identified.
- Also, of concern to Mr. Brady is that the Township Planning Commission has emphasized that the Village had participated in the R-3 process, but the Village has taken the position that they are not involved in the R-3 issue.

A summary of Member responses to Mr. Brady's public comments and letter follows:

- Chair Smith responded that the public was invited to the 2015 special R-3 subcommittee meetings that discussed the identification of potential R-3 multi-family parcels properties. In addition, individuals that attended from the Village were invited and represented the public.
- Mr. Sabty reflected that he attended all those special subcommittee meetings and stated Mr. Brady attended those meetings. Mr. Sabty also stated that he remembers when Mr. Brady was asked for his opinion, he never objected to anything.
- It was further noted that the Village was not in a collaborate selection. The Village was invited to provide input and opinions to help the Township select potential areas for R-3 identification. The Village did not make any final decisions or approvals on which R-3 properties would be identified in the Township.
- Mr. Nix acknowledged that the purpose of today's public hearing was to hear and receive public input and comments on the amended Collaborate Master Plan and that it is certainly appropriate for Mr. Brady to share his comments and concerns with the Planning Commission. Mr. Nix further noted, in his opinion, it doesn't appear that Mr. Brady is questioning the property locations identified for R-3; he is questioning the process the Township utilized to identify these locations.
- Mr. Nix stated that all the special study meetings held back in 2015 regarding R-3 properties were all publicly noticed public meetings.
- Mr. Nix noted that at the time of these special meetings, the Township Planning Commission recognized they had a very limited amount of multi-family use locations and determined there was a need to identify more potential R-3 parcels. Mr. Nix also referenced that there is a State Statue that says the Township needs to provide various uses in the community and that no land use can be discriminated.
- It was noted the **Township Planning Commission** made the decision to wait until 2018 to update the existing Township master plan with the identified R-3 locations.
- Mr. Nix did not agree with Mr. Brady on his comment regarding the changes in the Future Land Use Map conflict with the land use narrative in the Master Plan. *(Item #4 in Mr. Brady's letter to the Planning Commission dated 9/7/18).*
- Mr. Nix also addressed Item #5 in Mr. Brady's letter, noting that the Township did everything that is required to notify the public of the amendment to the master plan as well as notification of public hearings. *(i.e. Publication in the local newspaper, posting outside of the government building, posting documents on the Township website and inviting the public provide written communication with their concerns and comments, and inviting them to stop by the Township offices to review documents and obtain more information).*
- Mr. Sabty pointed out that the R-3 properties identified in the white paper are recommendations. They have not been rezoned or changed, and if an owner

doesn't want to sell their property to a developer, nothing changes.

- The Commission thanked Mr. Brady for his input and noted his comments and his letter previously sent to the Planning Commission, would be incorporated into the record.

Public Comments Continued: Ms. Trisha Pearlman, resident of the Village of Elk Rapids approached the microphone to address the Planning Commission. A summary of her comments follows:

- Ms. Pearlman referenced Page 8-Item #9 of the amended 2018 Collaborate Master Plan which describes the Elk Rapids District Library. It was noted that the 2013 version of the Master Plan references the library name as: "Island House District Library". The 2018 amended version of the Master Plan has changed the library name to: "Elk Rapids District Library at the Island Property". Ms. Pearlman requested that the Planning Commission consider leaving the word "House" in the library name.
- The Planning Commission agreed this was something that could easily be changed and agreed to add the word "House" and change Page 8-Item #9 to read: "Elk Rapids District Library at the Island House Property".
- Ms. Pearlman also referenced Page 48-Item #5 of the Collaborate Master Plan questioning the reference to a need for a community center.
- Mr. Nix reported that during the 2013 public visioning process, there was some interest expressed regarding Elk Rapids having some sort of a recreational facility similar to the Kaliseum Recreation Complex located in Kalkaska. This was only an idea and no action was taken.
- The Commission thanked Ms. Pearlman for her input.

Public Comments Continued: Ms. Carol Brady, Elk Rapids Township resident, approached the microphone to address the Planning Commission. A summarization of her comments follows:

- Ms. Brady expressed concern that in her opinion, the special subcommittee group that met in 2015 to discuss R-3 locations were government officials - not citizens. *(2 representatives from the Village and Township Planning Commission, and 2 representatives from the Village and Township Zoning Board of Appeals).*
- Ms. Brady continued to express concern that if these individuals from the Village were citizens they should not have been able to make motions or vote.
- Chair Smith responded that the Township invited the Village to the special subcommittee meetings and only accepted their input and materials. Chair Smith added following these special subcommittee meetings, the Township Planning Commission met separately, as a group, to discuss all the information gathered from the special meetings.
- Chair Smith further clarified that it was during the Township Planning Commission meetings that further discussion, motions and voting on the identified R-3 parcels was finalized and the minutes of these meetings will reflect the action taken.
- Ms. Brady questioned the Michigan Statue referenced by Mr. Nix regarding the need to identify R-3 properties. She noted that it did not appear that the Township had a demonstrated need for this type of land use, and therefore, was not in violation of the statue.
- Ms. Brady also expressed concern that R-3 land use should be identified in adjoining jurisdictions and therefore, the Village should have discussed and identified this type of future land use in both the Village and the Township.

- Ms. Brady stated that she objects to all six of the identified R-3 parcels.
- Ms. Brady also noted that the public was not present for this public hearing and she believes that the Township could have done more to bring the public in.
- The Commission thanked Ms. Brady for her input.

Additional Correspondence regarding the amended 2018 Collaborative Master Plan:

- Zoning Administrator Larry Nix reported that he had received a response (*dated September 5, 2018*), from Antrim County Deputy Administrator, Matthew Cooke stating that the Antrim County Planning Commission had unanimously approved the following motion:
“The Antrim County Planning Commission finds no inconsistency with the proposed Joint Master Plan update with the Antrim County Master Plan, and recommend the Village of Elk Rapids and Elk Rapids Township approve the updated Joint Master Plan”.
- Mr. Nix also reported that the County provided a few minor grammatical/text corrections that can be easily changed within the master plan document. (*i.e., removing an ‘s’ from the word Table, NMCOG should be changed to Networks Northwest, remove “the” in front of Networks, Northwest*).
 *Reference memorandum dated August 29, 2018 from Antrim County Deputy Administrator, Matthew Cooke).

All members of the Planning Commission were provided with a copy of all correspondence from Antrim County for review prior to this public hearing. It was confirmed that as of this point in time, no new or additional correspondence was received that the Planning Commission hadn't seen.

- Emile Sabty reported that the amended Collaborative Master Plan had a number of blank pages that should be deleted. The Commission agreed the document needed to be reformatted to remove these blank pages and page numbers would need to be adjusted.
- It was also noted that the Village and the Township Resolutions will be located on the inside of the front cover of the amended Master Plan as required.

**M/S Lundy/Pepper Motion to Close the Public Hearing
 MOTION UNANIMOUSLY CARRIED**

Chair Smith asked each Commission member present if they were satisfied with all the changes and work completed on the amended 2018 Collaborative Master Plan and maps, including the minor text, and typographical corrections suggested by Commission members and Antrim County. Included in the changes is the addition of the word “House” when referencing the Elk Rapids District Library as discussed in today’s public hearing.

**M/S Sabty/Lundy Motion to approve and adopt the amended 2018 Collaborative
 Master Plan with the additions and corrections as stated.**

Roll Call Vote: 6 YEAS: Isenhart, Peppler, Lundy, Sliger, Smith, Sabty.
 0 NAYS:
 Absent: Renee Mischel

MOTION UNANIMOUSLY CARRIED.

Elk Rapids Township Resolution No. 2018-01:

- With the adoption of the 2018 Collaborative Master Plan, Zoning Administrator Nix provided each member of the Commission with a draft resolution for consideration.

M/S Lundy/Peppler Motion to approve Resolution #2018-01 as presented.

Roll Call Vote: 6 YEAS: Isenhart, Peppler, Lundy, Sliger, Smith, Sabty.
 0 NAYS:
 Absent: Renee Mischel

MOTION UNANIMOUSLY CARRIED.

Approval of Minutes: Motion to approve the July 2, 2018 meeting minutes.

M/S Lundy/Sliger Motion Unanimously Approved.

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

1. **Update on Uncle Rod's site plan requirement:** Mr. Nix reported that Mr. Hammond has built a fence behind his property and has met the site plan requirements. It was noted that there is a gap along the fence line. The adjacent property owner has the ability to connect the fence and close the gap if they desire to do so.
2. **Tom Wiltse – Pad Lock, LLC:** Mr. Wiltse submitted a letter to the Planning Commission dated July 6, 2018, requesting that the Planning Commission consider extending his Special Use Permit to November, 2019. It was noted that Mr. Wiltse had started work on his site by completing the landscaping part of the project, however, he has not started construction on the self-storage building. Mr. Wiltse plans to complete the building by November, 2019.

**M/S Sabty/Lundy Motion to extend the Special Use Permit to Pad Lock, LLC
 until November, 2019, utilizing the same site plan and
 conditions originally approved by the Planning Commission.**

MOTION UNANIMOUSLY APPROVED.

3. **Tree removal/cutting along 25' Lakeshore Strip - Potential Zoning Ordinance Modification for Section 2.11:** Zoning Administrator Nix referenced his memorandum addressed to the Planning Commission dated September 7, 2018 and asked the Commission for their input on his proposed ordinance modification. Following is a summary of the discussion and comments:

- Mr. Nix reported as Zoning Administrator, he receives a lot of inquiries regarding the removal and cutting of trees; especially from residents who live near or along the water's edge.
- Mr. Nix noted that over the years, trees become damaged in storms, high winds or get old and rot due to natural reasons or disease. These situations can cause health and safety issues.
- In an effort to set a standard and provide some direction and flexibility to property owners regarding tree removal, Mr. Nix is suggesting the Commission consider adopting this zoning ordinance modification.
- In special situations, the suggested ordinance modification would give the Zoning Administrator the ability to grant a Zoning Permit for removal of a tree in the

25' protection zone for safety and health issues. In the event the Zoning Administrator questions the removal of a tree; the request may be referred to the Planning Commission for consideration.

The Planning Commission reviewed and discussed the ordinance modification document and provided the following comments and suggestions:

- 1) The Commission recognized that sap dripping trees are a real problem and nuisance for property owners. It was further noted that trimming these types of trees can actually make the situation worse.
- 2) As outlined in Mr. Nix's ordinance modification document, the Commission supported the idea that if a property owner removed a live tree, they would be required to plant a replacement tree with a minimum caliper size of 2 inches for a deciduous tree and 6 feet in height for a conifer tree. In addition, the root base of the tree would remain in place.
- 3) The Commission agreed that if nature causes a tree to fall or die, residents would not be required to plant a replacement tree, however, the root base of the downed tree should remain.
- 4) The Commission also asked that the words "**environmental elements**" located on the last page of Mr. Nix's document be removed to read:
"The tree proposed for removal is a nuisance to the property owner due to tree sap that cause a reduction in enjoyment of water front property".

M/S Smith/Sliger Motion to hold a public hearing on Tuesday, October 9, 2018 to address the Potential Zoning Ordinance Modification for Section 2.11 of the Township Zoning Ordinance.

MOTION UNANIMOUSLY CARRIED.

The Planning Commission noted other topics to discuss after the October 9th public hearing could include, solar energy panels and health concerns involving **5G** waves from communication towers.

Township Legal Staff Report: Attorney William Derman

- Attorney Derman reported that both Milton and Clearwater Township have also been dealing with tree issues on water front property.
- The issue was raised on whether or not the Commission wants to make any changes to regulating the cutting of trees in the 25' protected area and the use of other alternate ways to protect and preserve the shoreline besides trees.
- The Commission agreed to table this discussion of trees and list it under Unfinished Business at the next Public Hearing/Planning Commission meeting scheduled for October 9, 2018.

Unfinished Business:

- Emile Sabty provided the Commission with a list outlining the status of Planning Commission projects. The listed items noted in BLACK are all the projects and issues completed by the Commission. The items noted in RED are pending completion. The remaining unfinished projects with the planned completion dates are listed below:
 - 1) Village Collaborative Master Plan Approval - **10/1/18.**

- 2) Township Board to approve Collaborative Master Plan - **10/9/18.**
- 3) Collaborative Master Plan is effective upon final approval - **10/9/18.**

Chair Smith thanked Mr. Sabty for doing such a great job keeping track of all the Planning Commission projects.

New Business:

Nomination & Election of 2018-2019 Township Planning Commission Officers:

M/S Sabty/Sliger Motion to keep all the same existing Planning Commission Officers for next year.

MOTION UNANIMOUSLY CARRIED.

Public Comments:

- Mr. Pat Brady asked Chair Smith about posting the Planning Commission Agenda on the Township's website. Chair Smith responded the agenda is posted on the Township's site in two locations:
 - 1) Under Notices.
 - 2) The Planning Commission page.
- Mr. Brady also asked if the Planning Commission could place the audio of their meetings on the Township website. Chair Smith responded it would be difficult to do because of the limited space on the site. In addition, it was noted that if anyone is interested in obtaining an audio of the Planning Commission meetings, they could obtain a copy at the Township office.

Member Comments: None.

Adjournment:

**M/S Lundy/Peppler Motion to Adjourn.
Motion Approved.
Meeting adjourned at 8:10 PM**

9/17/18