

**Elk Rapids Township Planning Commission Meeting  
Meeting Minutes – May 14, 2019**

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, Aaron Isenhardt, Jim Lundy, Pug Sliger, and Gary Pepler. *(Quorum Established)*

**Absent:** Renee Mischel

**Also Present:** William Derman, Township Attorney, and Larry Nix, Zoning Administrator.

**Audience:** Eric Rubert & Scott Felker, Owners - 365 Outdoor, Inc.

**Adoption of Agenda:** **Motion to approve the May 14, 2019 Agenda.**  
**MOTION/S – Lundy/Sliger** **Motion Unanimously Carried.**

**Public Comments:** **None**

**Approval of Minutes:** **Motion to approve the April 9, 2019 meeting minutes.**  
**MOTION/S – Lundy/Pepler** **Motion Unanimously Carried.**

**Un-table 365 Outdoor, Inc. – Special Exception – Special Use Public Hearing:** Continuing review of a request for a Special Exception – Special Use permit for platted commercial zoned property at 11550 S. US-31, Williamsburg, MI 49690 a.k.a. part of Lot #2 W.F. Stepke Subdivision, Tax ID #05-06-650-002-00. The owner applicant ES Property & Development, LLC, (365 Outdoor, Inc.) request is for proposed additions and updates to their landscape business on the premises: Add Rentals Business on the location, make changes to the existing sign and add equipment display on the front of the premises. An application for Special Exception – Special Use permit is governed by Sections 11:05 and 19:07 of the Zoning Ordinance.

**Un-table Hearing:** **Motion to un-table 365, Inc. – Special Exception**  
**MOTION/S – Lundy Sliger** **Special Use Public Hearing from April 9, 2019.**  
**Motion Unanimously Carried.**

**Zoning Administrator Report – Larry Nix -** The Commission was provided with a copy of Mr. Nix’s memorandum dated May 2, 2019. A summary of Mr. Nix’s report on the requested special exception use permit follows:

- As noted at the April 9<sup>th</sup> Planning Commission meeting, applicant information and a number of other items needed to be clarified and corrected on the previously submitted site plan.
- The applicant has submitted an updated scaled sealed drawing site plan dated 4/23/19.
- The display areas are properly located and provide good visual exposure.
- A sign permit has been issued. The old sign has been replaced with the new sign which is compliant with the Township’s Zoning Ordinance requirement.

- All rental equipment that had additional signage, has been removed.
- Items that were tall in the yard have been lowered.
- “Rent Me” signs have been removed.
- All violations have been corrected.
- No correspondence has been received from the public.

**Email From: MDOT – Gaylord Transportation Service Center**

**To: Jason, Office Manager, ES Property & Development, LLC/365 Outdoor, Inc.**

**Dated: May 14, 2019**

*“Jason: It is understood by the owners of ER Rentals located at 11550 US 31 South Williamsburg, MI, Scott Felker and Eric Rupert that The Department of Transportation does not assume any liability claims or maintenance costs resulting from the activity or facility placed in the ROW. The Department reserves the right to require removal of all or any portion of this facility as needed for highway maintenance or construction purposes without replacement or reimbursement of any costs incurred by the permitted or other party. ER Rentals will defend, indemnify and hold harmless the Department for any claims whatsoever resulting from the construction or the removal of the encroachment.”*

**Andrew J. Perkette, Permit Agent**

- Board members were provided with a copy of this correspondence.
- It was noted there is an encroachment on the property.
- Eric Rubert and Scott Felker (Owners of ER Rentals) distributed a letter to the Planning Commission addressing the screening plan for the outdoor storage area on their property.

Mr. Sabty addressed the applicant/owner application confusion for ES Property and Development, LLC/365 Outdoor, Inc. A summary of his observations and findings follow:

- May 31, 2016 – The 365 Outdoor, Inc. business owners purchased the property under the name of ES Property and Development, LLC.
- October, 2018 – 365 Outdoor purchased the ER Rental business. At present, the property owners and the business owners at this site are the same.
- Updated Site Plan – 4/23/19 show “365 Outdoor, Inc Site Plan” as the property address name.
- Application has Elk Rapids Village as other authorities. Township Planning Commission should be apprised of such interest or jurisdiction.
- Page 3 – Section 3 of Application referencing three items:
  1. Sign change.
  2. Add ER rental business to location.
  3. Equipment display on property.

**Conclusion:** From the application on hand, the sign change and adding ER rental business would be a Township governmental jurisdiction. Equipment display on property, per 4-23-19 updated 365 Outdoor site plan, with condition would confirm to zoning location requirements. The 4-23-19 site plan front setback on the north side of the entrance driveway is still shown identical to the 2013 approved site plan. In the memorandum regarding the case on hand,

it is reported that, “there are several situations/violations on the site that do cause concern”. It is proper that the Township Zoning Administrator see to it that the Planning Commission approved 2013 permit and conditions are implemented, and that any violations are handled through the proper Township governmental procedures.

In reality, for this meeting, the three requested items are resolved. The only action left is to approve the 4-23-19 site plan as presented with condition, that the display areas located west of the front setback line should be separated from it by a demarcation line of “parking blocks”, anchored “railroad ties”, or similar above ground separation items.

**Legal Counsel Report – William Derman:**

- Mr. Derman noted that there are proposed buildings on the updated site plan. Any major changes made by 365 Outdoor, Inc. will require an application and permit.
- Mr. Derman further reminded the Commission that the greenbelt on the outdoor storage needs to be maintained; and encouraged the Board to review the condition of the screening in the next year or two.
- Mr. Derman also encouraged to Board to reinforce the ten conditions outlined in the 2013 site plan agreement.

**M/S Lundy/Sliger                      MOTION TO CLOSE PUBLIC HEARING  
MOTION UNANIMOUSLY CARRIED**

**Planning Commission Comments:**     None

**Any additional comments/questions:** None

**M/S Sabty/Peppler                      Move to approve the request from 365 Outdoor, Inc.  
for Special Exception – Special Use Permit per  
updated site plan dated 4-23-19 with the condition  
that the display areas located west of the front  
setback line should be separated from it by a  
demarcation line of “parking blocks,” anchored  
“railroad ties”, or similar above ground separation  
items, and that the previously approved application  
with ten conditions continues to be in effect.**

**Roll Call Vote:                      Isenhart, Peppler, Lundy, Sliger, Smith, Sabty, all voting YES (6),  
0 voting NO, Mischel absent.  
MOTION UNANIMOUSLY APPROVED**

**Township Zoning Administrator Report – Larry Nix:**

- Update on proposed wind and solar panel ordinance.  
Mr. Nix reported he has been working on the ordinance and asked the Board if they would like to include residential property solar and wind facilities in this ordinance? The Commission agreed this should be included in the

ordinance. Mr. Nix hopes to have a draft of the ordinance for the Board to review at the June 11<sup>th</sup> Planning Commission Meeting.

- There are two applications for the Commission to review at the June Meeting: 1) Elk Lake soil disturbance within 25' of the shore line; 2) A farm market proposed on S. Elk Lake Road.

**Township Legal Staff – Bill Derman:** A summary of Mr. Derman's report follows:

- **Short Term Rentals:** State of MI did not take this out of committee. A public hearing was held which adjourned, and another public hearing is scheduled this month. Ten new bills are in the legislature includes a short-term rental registry. Bill will keep the Commission updated with any new developments.
- **Sewer Extensions:** Inwood Harbor second public information meeting is scheduled to be held on June 19 at 4 PM. Water tests to be performed. Milton Township sewer plans are ready. Waiting on agreements with Elk Rapids Village and the Township to use the pump lift station.
- **Upcoming August 6, 2019 ballot proposals:**
  - 1) Farmland Preservation - 1 mill for 10 years.
  - 2) Maple Grove Cemetery - 6/10ths of a mill for 10 years.
- A copy of the engineering estimate for the cemetery millage project budget was provided to the Board members.
- A Township general meeting to educate the public on the cemetery proposal is scheduled for June 16 at 4 PM.
- **Road Paving Schedule:** US-31 by Hacienda – 1<sup>st</sup> week of June. Clearwater Point – 1<sup>st</sup> week of June, Winters Road – Tar and chip later in the season.
- **Marijuana:** Nothing new to report at this time.
- **Hemp:** Two local farmers in Milton and Whitewater Township have registered with the State of Michigan.
- **TART Trail:** Tentative plan is to build on the west side of US-31 from Acme to Elk Rapids Village. MDOT has total jurisdiction of the ROW.
- **Sand & Gravel Mining:** Legislation regulation proposal by Triston Cole.

**Land Survey Discussion:**

- Zoning Administrator Nix reported when processing a zoning permit or site plan application, a number of issues could have been avoided if the applicant had provided him with a proper land survey. Mr. Nix asked the Board if they might consider amending the Township Zoning application to require a land survey when requesting a zoning permit or site plan application.

**M/S Smith/Lundy Motion to allow Emile Sabty and Larry Nix to move forward to create and present a draft, to be reviewed by the Planning Commission at the June 11<sup>th</sup> meeting; to amend the zoning application to include verbiage that the zoning administrator**

**“MAY WAIVE” the requirement of a land survey for a zoning permit or site plan application.**

**MOTION UNANIMOUSLY CARRIED**

**Unfinished Business:**

- 1) Discussion regarding the feasibility of a 2019-20 Township Community Survey.  
The Commission agreed to move the discussion of this topic to the June meeting.

**Public Comments:** None

**Member Comments:** None

**Adjournment:**

**MOTION/S – Lundy/Peppler**

**MOTION TO ADJOURN.  
MOTION CARRIED.  
Meeting Adjourned at 7:41PM**

*(Meeting Minutes as of 5/16/19 – Noon)*