

**Elk Rapids Township Planning Commission
Regular Quarterly Meeting
Meeting Minutes - Tuesday, September 19, 2017**

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

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

Absent: None.

Also Present: Larry Nix, Zoning Administrator & William Derman, Township Attorney
Audience: Eric Rubert, Pat Brady, Richard & Susan Pixley

Adoption of Agenda: Chairwoman Smith noted that agenda item J.1 (*New Business – Election of 2018 PC Officers*) will be tabled because new appointments for the coming year have not been made yet.
M/S Lundy/Sliger Agenda for the September 19, 2017 meeting was unanimously approved by the Commission. **Motion Approved**

Public Comments: None.

Approval of Minutes: Minutes for the July 18, 2017 meeting was unanimously approved and adopted by the Commission. **Motion Approved**
M/S Mischel/Lundy

Public Hearing – Site Plan Approval Review for Shoreline Renovations consistent with the provisions of Section 2.11 of the Elk Rapids Township Zoning Ordinance for applicants - David and Linda Krill, 8535 Cairn Highway, Elk Rapids, Antrim County, Michigan 49629, Parcel Number: 05-06-015-047-30.

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

Correspondence & Public Comments: **None.**

Report from Township Zoning Administrator:

A copy of Mr. Nix’s report dated 9/12/17 regarding the site plan review for the Krill’s shoreline modification was provided to the members of the Planning Commission. Mr. Nix highlighted his report as follows.

- The purpose of this proposed shoreline change is to stabilize and repair the existing failing stairway, platform, and boulder wall which is located on a steep slope.
- The shoreline modification will also attempt to stabilize the ground and the existing boulder erosion as this area is slumping and needs to be rebuilt.
- The applicants proposed plan is to make every effort to maintain a natural plant environment with a variety of shrubs and trees, and design and construct a new shoreline protection system to reduce erosion.

- 365 Outdoor, Inc., has submitted a site plan to contain and control the water coming down the hill to prevent and minimize any erosion on the steep bank area and make every attempt to blend the landscaping with the adjacent property owners. Township Zoning Administrator Nix proposed the following recommendation to the Planning Commission:

Recommendation: This appears to be a project that meets in intent and purpose of Section 2.11 of the Elk Rapids Township Zoning Ordinance. The site is very challenging and the proposed design considers the extreme slope aspects, existing erosion problems and the intent of the Zoning Ordinance and proposes a design that will be an asset to the surrounding property owners and Elk Lake. It is recommended that the Planning Commission approve the site plan application for shoreline modification subject to the following conditions:

1. The applicant shall comply with the requirements of the Antrim County Soil Erosion permit.
2. 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.

Report from Township Legal Staff: Mr. Bill Derman noted that he believes Mr. Nix's report on this site plan review and approval was complete and thorough. Mr. Derman agreed with the recommendations provided in the Zoning Administrators report.

Report from the Antrim County Soil & Erosion Department: The Planning Commission members were provided a copy of the Soil Erosion Permit submitted by Antrim County Soil Erosion Officer, Heidi Shaffer. This report was reviewed by the Commission and there were no questions or concerns regarding the report.

Any other reports not previously received: None.

Comments from Mr. Eric Rubert, 365 Outdoor, Inc.: Mr. Rubert reported to the Planning Commission that David and Lind Krill have reviewed the site plan proposal submitted by 365 Outdoor, however, at this point in time, they have not yet approved it. The Krill's are waiting to see what happens at tonight's meeting and they are still waiting on the DEQ permit approval. Mr. Rubert said the appropriate paperwork has been submitted and filed with the DEQ, and they are just waiting for the official permit. Mr. Rubert noted that he would continue to keep Mr. Nix informed as to when the Krill's make their final decision on the project and when he receives the required DEQ permit.

Ms. Renee Mischel asked Mr. Rubert what was the timeframe for this shoreline renovation project? Mr. Rubert responded that depending on weather and the response from the Krill's; it will most likely start sometime this fall, probably mid-October.

Mr. Emile Sabty noted that once the site plan is approved, the Krill's have to break ground/start the project within one year. It was clarified that the project does not have to be completed in one year, but it must be started within a year after approval.

Motion to Close the Public Hearing:
M/S Lundy/Peppler **Motion Approved.**

Planning Commission Discussion and Review: The Planning Commission members noted that this site plan review packet was very well presented and organized. The time and effort provided by all those who had a part in putting this package together is appreciated.

Motion to Approve: **Motion to Approve Site Plan Review for Shoreline Renovations consistent with the provisions of Section 2.11 of the Elk Rapids Township Ordinance, for Applicants David and Linda Krill, 8535 Cairn Highway, Elk Rapids , Antrim County, Michigan 49629, Parcel Number: 05-06-015-047-30 with the following 3 conditions:**

1. The applicant shall comply with the requirements of the Antrim County Soil Erosion permit.
2. 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.
3. The applicant shall comply with the requirements of the M-DEQ Permit when issued.

Motion Unanimously Approved

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

1. The Planning Commission members were provided with a copy of the current Elk Rapids Township Zoning Map which was updated on September 6, 2017.
2. A number of changes/updates were made to the existing Zoning Map which was adopted October 12, 2010. These updates include:
 - a. Deleted the notation of the clerical correction, and amended December 29, 2014 and added updated date of September 6, 2017.
 - b. Property lines were updated by Antrim County – July, 2017
 - c. Zoning on US-31 (Nowak Property) changed to Commercial
 - d. Birch Lake Road zoning mislabeled E/R-2 to R-1.
 - e. Property in the Kewadin area north of Williams Drive mislabeled, change from R-2 to R-1. (Garrow Property)
 - f. Name change from Orchard Drive to Orchard View Drive*

**it was noted that the copy provided at the meeting did not have this street change, however, the change has been made and will be corrected on the Township website and future copies of the zoning map.*

3. Shen Smith will update the Township website with the new zoning map and will ensure that it reflects the Orchard View Drive correction.

Question from Renee Mischel regarding how the zoning map will be updated in the future. Larry Nix noted that he will update and maintain the master zoning map as needed.

New Item – Discussion on a possible alternate set of zoning rules for very small sized lots within the Township:

A summary of the discussion regarding this issue follows:

1. Mr. Nix noted that there are a number of property owners in the Township that own small lots that don't meet the minimum lot size requirements of the Zoning Ordinance. The ZBA has had to grant a number of similar variances to these residents because of the small lot size. (Example: Birch Lake area)

2. Mr. Nix would like to explore and discuss the idea of a possible alternate set of zoning rules for some of the lots in the lake area so that residents can enjoy their property and not have to come to the Township for so many variances.
3. Mr. Nix would like to research whether or not something different needs to be done to address the special needs of these small lots. Nix proposed that he would like to bring the idea to the ZBA for consideration at the next meeting scheduled to take place on October 10, 2017.
4. The Planning Commission noted that the small lot size issue had been reviewed and discussed back in 1998. Mr. Sabty read from a document dated February 4, 1998 which suggested that set backs for these smaller lots would be 38 ft. front and 33 ft. back with 10 ft. on each side, limiting the footprint of all such structures to 780 square feet. If more living space is desired, the owner may build a second story. These standards would apply to new dwellings and enlargement of old dwellings.
5. The Planning Commission was in agreement that this is an issue worth reviewing again and asked that Mr. Nix present the issue to the ZBA and report back to the Planning Commission with an update on what the ZBA decides.

Township Legal Staff: Mr. Derman commented he has noticed that the issues surrounding short term rentals continues to make news in the community. Radio ads sponsored by the Board of Realtors regarding “property rights” are being aired and there was a recent article in the Record Eagle involving Acme Township and the Bay area regarding rentals. Mr. Derman also noted that there is a Bill in Lansing that is being considered and the Supreme Court may get involved to determine if rentals are considered commercial use and not residential use. Mr. Derman will continue to monitor what happens in Acme Township and report back to the Commission with any new information or developments regarding short-term rentals.

Unfinished Business: Reprinting of the Township Zoning Ordinance

Mr. Emile Sabty outlined the following information on the existing Township Ordinance and provided a number of suggestions regarding the updating and printing of the Zoning Ordinance:

1. July 25, 2013 is the last time the Zoning Ordinance was printed.
2. December 29, 2016 was the last time the Ordinance was updated.
3. The current Zoning Ordinance is in a spiral binder.
4. Mr. Sabty proposed the Zoning Ordinance be placed in a 3-ring binder with an insert cover pocket for easy removal and replacement of old and updated material.
5. The latest updated copy of the Zoning Ordinance would be printed, hole-punched and placed in the binder format.
6. The current picture cover page would not show a date and would be placed in the binder cover pocket, thus serves for all future printings.
7. Inside printed cover page – Shows amended through date. Page will be updated and printed when there is a revision.
8. Chapter Updates Page – A listing of all the chapters and the date of last update.
9. Amendments Page – A listing of all the approved and adopted amendments. This list shows a ten year history only.
10. New binders with an updated Zoning Ordinance would be provided to all current Township recipients. Ten copies would remain at the Township Office for use and distributed as needed.
11. Updates to the Ordinance would be made by chapter. (i.e. when an update occurs in a chapter, the entire chapter would be replaced).
12. The Township website would also host an updated copy of the Township Zoning Ordinance and updates to the site would correspond with chapter and amendment updates.

Conclusion: The Planning Commission agreed that having a 3-ring binder to hold the Township Zoning Ordinance was a good idea. The Commission supports Mr. Sabty going to the Township Board for approval of the printing, updating, and 3-ring binder concept for the Zoning Ordinance.

Public Comments: Mr. Pixley commented that having this type of information available on the Township website has been very helpful to him. He encouraged the Planning Commission to utilize and update the website so that these types of documents are readily available to the public.

Mr. Brady asked which copy of the Ordinance would a citizen rely on. (Township web-site or the copy maintained in the Township Office). Mr. Nix responded that the copy maintained in the Township Office is considered the true and accurate copy. Mr. Nix further noted that a person should check with the Township Clerk that the copy provided is indeed the most updated copy. The Planning Commission also noted that checking the website copy would also be a convenient and valuable resource to review.

New Business: None

Member Comments: None

Motion to Adjourn:
M/S Lundy/Sliger **Motion Approved**

Meeting was adjourned at 7:30 PM