

**Elk Rapids Township Planning Commission Meeting
Meeting Minutes – February 9, 2021**

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, Jim Lundy, Zach Amos, and Tom Crandall.
(Quorum Established)

Absent: Aaron Isenhardt and Gary Pepler.

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

Audience: Kevin Patnode

Adoption of Agenda: **Motion to approve the February 9, 2021 Agenda.**
MOTION/S Lundy/Amos **Motion Unanimously Carried.**

Public Comments: None

Approval of Minutes: **Motion to approve the October 13, 2020 meeting minutes.**
MOTION/S Sabty/Lundy **Motion Unanimously Carried.**

Public Hearing – Site Plan Review for Shoreline Modification – Kevin Patnode:

Open Public Hearing: **Motion to Open Public Hearing.**
Motion/S – Lundy/Amos **Motion Unanimously Carried.**

Under consideration is a request for a Site Plan Review Hearing from Kevin & Tiny Patnode, 11579 Arrowhead Drive, Williamsburg, MI 49690. Tax ID #05-06-033-028-20. They are requesting site plan approval for R-1 Zoned shoreline improvement work within the 25 ft. Protection Zone at the same address. The work includes grinding six (6) existing stumps.

A summary of the Patnode Site Plan Review discussion follows:

- It was noted that Kevin Patnode removed several trees after purchasing his property located at 11579 Arrowhead Drive in September 2019.
- Zoning Administrator Nix referenced his memorandum dated February 1, 2021 which outlines the various communications with Mr. Patnode notifying him by removing those trees, he was in violation of the Elk Rapids Township Zoning Ordinance.
- It was further noted applicant Patnode is also seeking to have two trees removed from the adjacent property that are dead. These two trees are on Rich & Shen Smith's property and therefore, is a separate action between the Smith's and the Zoning Administrator.
- Kevin Patnode addressed the Commission noting when he purchased the property in the fall of 2019, he was not aware of the implications of removing the trees. He indicated he has been in communication with Larry Nix and is now aware. He appreciates the Commission giving his application consideration for the removal of the stumps on his property.

Close Public Hearing: **Motion to Close the Public Hearing.**
Motion/S – Sabty/Lundy **Motion Unanimously Carried.**

- The members of the Commission agreed that there should be NO grinding of the tree stumps above or below ground surface.
- The Commission agreed they were comfortable with Mr. Patnode cutting the stumps flush to the ground with a chain saw.
- The Commission also agreed that Mr. Patnode could put top soil, seed and plantings on top of the ground level tree stumps. However, cutting the stumps close to the shoreline would require a slit fence to hold the topsoil from going into the water.

Motion to Approve the Patnode Site Plan Review
M/S Sabty/Lundy

Motion to approve the Site Plan Review for shoreline improvement consistent with the provisions of Section 2.11 of the Elk Rapids Township Zoning Ordinance, for applicants Kevin & Tina Patnode, 11579 Arrowhead Drive, Williamsburg, MI 49690, parcel No. 05-06-033-028-20. Zoned R-1 Residential, with the following conditions:

- 1. The applicant shall comply with the requirements of the Antrim County Soil Erosion Officer.**
- 2. A silt fence shall be erected between the water’s edge and the stumps cut to ground level and maintained until the area is stabilized with new growth. The use of a tarp may also be helpful to collect debris.**
- 3. Inspections as noted in Section 2.11-B-3 of the Zoning Ordinance shall be conducted and compliance with the Zoning Ordinance and all other applicable regulations shall always be maintained.**
- 4. Existing trees and vegetation within 25’ of the shoreline shall be maintained and not disturbed.**

Lundy, Amos, Sabty, Crandall - All Voting YES. (4)
Smith Abstained – (Neighbor of Mr. Patnode) (1)
(Isenhart and Peppler are absent)

MOTION APPROVED.

- Zoning Administrator Nix informed Mr. Patnode he would need to secure a Township Zoning Permit to complete the approved stump work with the conditions outlined in the Motion. The Zoning Permit Fee is \$75.00.
- It was further noted that Chairperson Smith will also need to secure a Zoning Permit to address the two trees on her property.

Township Zoning Administrator Report (Larry Nix)

- Zoning Administrator Nix referenced and summarized his Planning and Zoning Activities Annual Report for 2020. A copy of this report was provided to the members of the Commission.
- Mr. Nix reported he had received a request from Chris and Laurie Copeland for the removal of 28 Locust trees adjacent to Elk Lake in the 25’ Protection Zone and replanting 8 new trees. The property is the ‘point’ at the end of Spirea Drive. Ed Pollister was the

previous owner. The Copeland's also desire to remove a total of 36 Locust trees in the 50' area between the lake and inland they desire to replant 22 trees in this space.

- The Commission agreed that Locust trees are usually bug infested invasive trees and are a nuisance for property owners.
- The Commission discussed in length the Township Zoning Ordinance Section 2.11C which addresses tree removal in the 25-foot protection zone.
- Zoning Administrator Nix reported he brought this request before the Planning Commission because he was not comfortable making a decision to issue a Zoning Permit for the removal of 28 trees in the 25-foot protected zone. However, he is willing to handle this request if the Planning Commission deems appropriate.
- It was noted the current Zoning Ordinance states the Zoning Administrator may issue a Zoning Permit to grant the removal of 'A TREE' in the 25-foot protection zone for safety and health reasons.
- The Commission agreed that the Zoning Ordinance needs to be amended and changed to 'TREES' (plural) instead of the existing 'TREE' (singular). Therefore, in special situations, the Zoning Administrator can issue a Zoning Permit for the removal of more than one tree, if/when appropriate.

MOTION: **The Planning Commission has considered the Copeland tree removal request. The Commission is in agreement that because of the invasive nature of the trees in question, the Zoning Administrator is able to make the determination on whether or not the 28 Locust trees located in the 25-foot protection zone on the Copeland property can or cannot be removed. In the event the Zoning Administrator questions the removal of these trees, the request may be referred to the Planning Commission for further consideration.**
Smith/Crandall

MOTION UNANIMOUSLY CARRIED.

MOTION to Amend the Zoning Ordinance:
Smith/Crandall

Zoning Administrator Nix was asked to prepare a Zoning Ordinance Amendment to Section 2.11-C . All reference to 'TREE' (singular) to 'TREES' (plural). A Public Hearing to approve this Amendment 2021-02 will be scheduled for April 13, 2021.

MOTION UNANIMOUSLY CARRIED.

Unfinished Business: Private Road Ordinance

Proposed Amendment to the Existing Private Road Regulations in the Zoning Ordinance – Section 2.19:

- The Commission discussed private roads in the Township.
- Zoning Administrator Nix proposed the following amendment to the Zoning Ordinance:

H. *When new lots or parcels are added to an existing private road or when an existing private road is extended to add new lots or parcels, the entire private road must be upgraded to the standards as noted in Section 2.19 A (1-14). The person or persons adding the additional lots shall be responsible for upgrading the private road to the new standard.*

MOTION: Motion to approve the proposed Zoning Ordinance text amendment
Lundy/Amos to Chapter 2, General Provisions, Section 2.19 Private Road Regulation, adding new Sub-Section 2.19-H as proposed and schedule it for a Public Hearing as Amendment #2021-01 on April 13, 2021.

MOTION UNANIMOUSLY APPROVED.

Winter Meeting Time:

- The Planning Commission discussed is not opposed to accommodating earlier meeting times during the winter months.

Township Legal Staff Report (Bill Derman) None.

New Business: None.

Public Comments: None.

Member Comments: None.

Adjournment:

MOTION/S Lundy/Crandall **MOTION TO ADJOURN.**
MOTION CARRIED.
Meeting Adjourned at 7:47 PM