TORCH LAKE TOWNSHIP

ANTRIM COUNTY, MICHIGAN

APPROVED Minutes Planning Commission Special Meeting AS PREPARED 5-0

June 22, 2016

Community Service Building

Torch Lake Township

Present: King, Bretz, Goossen, Kulka, Walworth, Schoenherr, Jorgensen

Others: Olsen, Vey, Grobbel

Audience:

Walworth reviewed purpose of Public Hearing and summarized the March 28, 2016 letter from Property Owners with respect to (1) Special uses in R-1 Zone and (2) Boat launches. The issues were recorded in minutes at a improperly noticed previous public hearing. All previous comments will be taken into consideration.

1. **Open Public Hearing – Regarding Request to Amend Section 7.02, Special Uses Within the R-1 Zone:**

Public Hearing opened at 7:34.

Public Comment

*Lee Scott, 347 N. West Torch Lake Drive, Kewadin*

The property at the corner of McLachlan Rd. and N. West Torch Lake Dr. was purchased by the DNR in 1994. In a subsequent law suit, the Court of Appeals ruled that the property could not be developed. Considerations: (1) property violates current zoning setbacks, (2) would require continuous dredging of a 6 foot x 250 foot area, and (3) would cause serious harm to Torch Lake and negatively effect neighborhood. DNR must abide by local zoning.

Scott said the ordinance needs to be strengthened.

*David Visser, 975 N. West Torch Lake Drive, Kewadin*

Visser reinforced statements by Lee; sands shift on lake bottom and would require continual dredging.

*Dan Wettlaufer, 2939 N. West Torch Lake Drive, Kewadin*

Wettlaufer asked about R-1 zoning and was informed that it affects ALL of R-1. He also stated that the DNR does not take care of its boat launches.

*Bob Spencer, 709 N. West Torch Lake Drive, Kewadin*

Spencer referenced Noticing Process for Public Hearing and January 2014 resolution fro TLT Board. He said that tonight’s meeting was noticed in June 5 issue of Traverse City Record-Eagle newspaper, but it was not on Township website. Said that the decision should be sent to Antrim County Planner again.

Public hearing closed at 7:52.

1. **Call to Order Special Meeting:**

Special Meeting opened at 8:02.

Walworth summarized three points:

* Walworth and Martel will meet with website managers to detail specific responsibilities for posting.
* Proposed amendment was sent to County planner for re-consideration; procedurally it is in place.
* If website is to be used for posting materials, do it with consistency.
1. **Consideration of Agenda:**

Walworth requested addition of Item 8: Potential Public Hearing for A-ga-Ming Amendment to Approved Site Plan. Motion to approve addition by Goossen, seconded by Kulka, passed 7-0.

4. **Correspondence, Meetings, training, Announcements, etc.:**

Walworth passed along details of meetings to be held on “Importance of Tourism in Northwest Michigan” in Elk Rapids on June 23 and Bellaire on July 3.

5. **Approval of Minutes, June 14, 2016 Meeting:**

Motion by Goossen, seconded by Bretz, to approve minutes, passed 6-0, with King abstaining.

6. **Concerns of the Public other than Agenda Items:**

None.

7. **Discussion and Possible Action on Amendments to Section 7.02, Special Uses Within the R-1 Zone:**

Walworth summarized approaches suggested by Township counsel Millar:

1. Substantively accept proposal or
2. More discussion leading to another approach.
* King asked Lee Scott about dimensions for dredging (6 ft. x 250 ft.). Scott said this estimate was quoted by DNR in the court hearing.
* Walworth reminded members that they are not dealing with a specific piece of property or proposal. Should only be talking about language in ordinance for all R-1 zoned property.
* Grobbel said that in a conversation with Schoenherr, she cited a conflict of interest and will recuse herself. Also, TLT regulates behavior on property but cannot regulate riparian bottom rights. There should be equal treatment of land owners. Should choose cleanest way to deal with public and private land uses.
* Walworth said that special uses must be approved by Planning Commission.
* Grobbel said that entire shoreline is zoned R-1.
* Walworth said that exclusionary zoning must be avoided.
* Grobbel reminded group to state reasons for actions and decisions.
* Goossen was concerned with list of special uses with regards to R-1 setbacks and impact on water quality. Suggested looking at side setback requirements.
* Walworth said that minimum lot line setbacks are covered in current ordinance language. Also posed rhetorical question: Given current Special Uses, does anyone want to eliminate all special uses in R-1 zone?
* Kulka asked if special uses have changed within last 10 years.
* Grobbel said that libraries, schools, parks et al. are considered special uses. However, special uses do not have to be allowed in every district.
* Kulka asked about defining “parks”.
* Grobbel said that “park” is not defined in zoning ordinance.
* Jorgensen suggested eliminating special uses from Village Residential.
* Walworth said that there are boat launches on Torch Lake, but none on Lake Michigan.
* Goossen asked about road ends.
* Grobbel said that road ends are not zoned, but provide a temporary in or out to a body of water.
* King said that residents who favor the boat launch feel that it would help relieve pressure from the Day Park. Also it is important to have access available for non-lakeshore residents. He is opposed to dredging.
* Walworth asked how PC wants to move forward?
* Grobbel reminded members to state their rationale. Consider impact on water quality. This is a use that should be prohibited on Torch Lake in R-1 zone, as it can be seen as exclusionary. Also said this is a good time to act with no specific proposal in front of Commission.
* King said excluding new boat launches on Torch Lake, bay property owners may retaliate.
* Jorgensen said there should be public access points on Torch Lake.
* Bretz is uncomfortable with prohibiting boat launches on Torch Lake or Bay.
* Grobbel said there should be a legal review once consensus is reached.
* Walworth said that if boat launch approach is eliminated, should leave behind a good rationale of decision.
* Walworth suggested that Grobbel draft language for two versions: (1) Specific to eliminating boat launches only on Torch Lake, and (2) xxx.
* Grobbel asked for conference call with attorney and will bring report next month.

1. **Proposal from A-Ga-Ming to Amend Site Plan:**

A-Ga-Ming is replacing clubhouse with new building, which requires considerable changes. Walworth suggested Public Hearing based on previous planning processes. There are two types of Amendments to Special Use: Major and Minor. This is considered a Major Amendment.

1. **Concerns of Public:**

Spencer said that TLT Board implemented changes on previous PUD Plan fro A-Ga-Ming.

Scott expressed appreciation for PC discussing concerns of public and their letter.

10. **Concerns of the Planning Commission:**

Bretz said that at June 14 meeting, letter regarding septage forum hosted by Tip of the Mitt Watershed Council was mentioned. Walworth forwarded to TLT Board. Bretz asked if TLT would consider being a co-sponsor of the meeting. Will forward to Martel.

Walworth will be absent from July meeting; Jorgensen will chair.

11. With no further business, meeting was adjourned by Walworth at 9:18.

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