TORCH LAKE TOWNSHIP

ANTRIM COUNTY, MICHIGAN

APPROVED Minutes Planning Commission Meeting AS PREPARED

July 12, 2016

Community Service Building

Torch Lake Township

Present: Goossen, Bretz, Kulka, Jorgensen, Schoenherr

Absent: King, Walworth

Others: Olsen, Vey, Grobbel

Audience: Martel, Bob Spencer, Lee Scott

Maryanne Jorgensen chaired meeting in Jim Walworth’s absence.

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

 Meeting called to order at 7:35.

2. **Consideration of Agenda:**

 No changes.

3. **Correspondence, Meetings, Training, Announcements, etc.:**

Board of Trustee’s July 19 meeting will include public hearing on proposed amendments to Zoning Ordinance regarding decks, etc. in setback areas.

For August Planning and Zoning Training, please contact Kathy Windiate for more information.

4. **Approval of Minutes, June 22, 2016 Public Hearing and Special Meeting:**

Motion by Bretz, seconded by Kulka, to approve minutes, passed 5-0.

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

* + Scott said it seems that local government is unimportant to community. However, for those who are interested, website needs to be updated and current. Tonight’s agenda was not on the website.
	+ Jorgensen referenced minutes from June regarding website management, and posed question to Martel.
	+ Martel said that it is being worked on.
	+ Bretz said it is unacceptable for website to not be updated.
	+ Vey said that web management is not clear.
	+ Spencer cited proper notification of meetings as stated in the Open Meetings Act, regarding assigning responsibility of notification and that it is illegal to hold meeting that was not properly noticed. He encouraged the PC to continue working on it.
	+ Jorgensen asked Vey who is responsible.
	+ Vey said that in the past it was a responsibility of Walworth to post agenda on website.

6. **Discussion and Possible Action on Proposed Amendments on Special Uses in the R-1 Zone:**

Jorgensen read Todd Millar’s letter into record.

* Goossen asked if a PC member is a dues-paying member of an organization, is that a conflict of interest?
* Grobbel said that it is not a conflict of interest if he is a member of the Torch Lake Protection Alliance.
* Schoenherr asked if she needed to recuse herself at every meeting that this is an issue. Grobbel said yes.
* Grobbel also said to be very careful of exclusionary zoning. PC is responsible for recommendations; the TLT Board makes decisions.
* Scott said that there is a 660 foot parcel for sale adjacent to the lot in question. Also indicated that the TLPA is fully prepared to go to court, but is not asking the Township to do that.
* Grobbel reminded PC to consider whether this is a necessity issue, to consider the Attorney’s input and to (1) either decide to take action or (2) not take action and send to Board.
* Schoenherr recused herself.
* Goossen feels that the current launch capacity is adequate and there is not a need for additional facilities. He would support excluding use in all of R-1.
* Bretz said there are not enough boat launches particularly on Bay. He is against making any changes.
* Kulka was troubled with the exclusionary provisions. If process continues, should be entire R-1.
* Jorgensen referenced minutes from June and Jim King’s comments regarding boat launch and dredging.
* Bretz said that dredging is bad; he would not make recommendation for exclusionary language. He has no problem with other special uses in R-1.
* Jorgensen asked if there should be a motion tonight or have other PC members present.
* Kulka was more comfortable with others being present for discussion.
* Bretz felt that Jim King and Jim Walworth should be present.
* Jorgensen asked if there was a motion.
* Motion by Bretz that PC send letter to TLT Board to not change R-1 zoning language, seconded by Jorgensen. Motion failed at 2-2 vote.
* Further discussion indicated that Kulka wanted other member’s input. This issue is a major concern of citizens and should not be rushed.
* Goossen doesn’t need additional information. Quorum is present, but we have a stalemate. Need other committee members.
* Grobbel said that Jorgensen has the ability to put the issue on next agenda.
* Jorgensen agreed; no further discussion.
1. **Receipt of County Review of Proposed Amendments to Sections 2.16.b and 19.02.B Regarding Allowed Structures in Front and Rear Setback Areas:**

Antrim County Planning Department provided recommendations in a letter dated July 8, 2016, which stated that the amendment is not in in conformance with the county Plan, therefore they are not in support. Letter has been forwarded to TLT Board.

8. **Concerns of the Public:**

Scott said the TLPA submitted their letter with two options. He referenced Millar letter which asked for consideration of alternatives that would serve the same purpose for the citizens.

Spencer referenced ordinance for decks and walkways. He felt that there are significant differences between Torch Lake and Lake Michigan and asked about an overlay zone. He likes the 50 foot setback on Torch Lake.

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

Goossen asked Grobbel about topographical variances between Torch Lake and Lake Michigan with regards to an overlay zone, and whether it could be developed specifically for those areas of waterfront.

* Grobbel defined overlay zone as an area that has underlying zoning with additional rules, i.e. historical zones. A waterfront overlay might have bumped up setbacks, required vegetative buffers, limitation of slopes, storm water runoff, etc. An overlay adds additional development standards. However, an overlay cannot be used for exclusionary zoning.
* Goossen asked if overlays could be done for those parcels that have unique topographical features, such as step inclines.
* Grobbel said that overlays could be used but they cannot contradict. A water overlay has to be purposeful in protecting water quality; it cannot prevent houses, etc. Previous amendments, such as the amendment for decks, has already been passed by TLT Board.
* Bretz would be more comfortable if overlays were scientifically based, such as not allowing building on steep slopes.
* Schoenherr asked what the payoff is on going through with an overlay.
* Grobbel reminded that it cannot fix anything currently in place, but would effect future development.

12. With no further business, meeting was adjourned by Jorgensen at 8:53.