TORCH LAKE TOWNSHIP

ANTRIM COUNTY, MICHIGAN

Torch Lake Township

Planning Commission Meeting

Community Service Building

APPROVED Minutes AS PREPARED 7-0

March 29, 2019

**Present:**  PC Members: Jerry Kulka, Maryanne Jorgensen, Lora Carleton, Cole Shoemaker, Bill Stridiron

**Absent:**PC Members:Chuck Goossen, Bill Peterson; Others: Deb Graber, Jackie Peterson

**Others Present:**    Chris Grobbel

**Audience:**  3 attendees

**Recording Secretary:** Lora Carleton

1. **Call to Order Special Meeting**
   1. Special Meeting called to order at 6:02 by Kulka
2. **Call to Order Public Hearing**
   1. Public Hearing called to order at 6:03 by Kulka
3. **Summarization of the Procedures and Rules**
   1. Rules and procedures were not outlined/reviewed as there were no audience members at this time
   2. Kulka read aloud a letter from Rick Randall on behalf of Deb Comber and Dennis Schneider which stated they would not be in attendance due to their involvement in a car accident.
4. **Public Hearing Topics:**
   1. **Chapter 6 – Agriculture – Private Events**
   2. **Chapter 10 – Village Business – Outdoor Events**
   3. **Chapter 23 – Adding a Definition for Outdoor Events**
5. **Close Public Hearing**
   1. Public Hearing adjourned at 6:04 by Kulka
6. **Break**
   1. No break was taken
7. **Public Commentary**
   1. At this time, no public in attendance
8. **Consideration of Agenda**
   1. No issues; motion to accept made by Shoemaker and seconded by Jorgensen; vote to accept passed 5/0.
9. **Approval of Minutes**
   1. Kulka stated that the March 8, 2019 minutes were approved by default since they were not reviewed at the next meeting
   2. March 12, 2019 meeting; Kulka noted the following meeting changes requested by Deb Graber:
      1. 4b…Graber explained that the zoning ordinance already ~~allows for the short term rental~~ permits a bed & breakfast that does and has existed…One half of the building is the owner’s living space, and the other half is a legally operating, ordinance complying ~~short term rental~~ with Zoning Ordinance under permitted uses.
      2. 4b, below letters section:

1. This ~~short term rental~~ bed and breakfast is and has been in compliance with the township zoning ordinance; it is ~~a~~ permitted~~,~~ and legally compliant ~~short term rental~~.

4. The nature of the permit request…and a ~~short term rental~~ bed and breakfast in the other.

5. ~~There are no structures within 500’.~~ The structure ~~conforms with all zoning setbacks~~ is a non-conforming structure.

* 1. Motion to accept Graber’s changes made by Kulka and seconded by Jorgensen; vote to accept passed 5/0.
  2. Discussion regarding clarification on the use of the word ‘Allowance’ (4b first line) which Jorgenson, Kulka, and Grobbel agreed was unusual, but a proper use
  3. Motion to accept minutes with noted changes moved by Shoemaker and seconded by Jorgenson; vote to accept passed 5/0.

1. **Unfinished Business**
   1. **Agriculture – Private Events**
      1. Kulka asked for any comments regarding CHAPTER VI, SECTION 6.03 Special Uses; adding 4. Private Events
      2. Motion to accept made by Stridiron and seconded by Shoemaker
      3. Grobbel asked who will send to county; Kulka stated Deb Graber does this and he will get with her Monday
      4. Kulka called for vote; approved 5/0.
   2. **Village Business – Outdoor Events**
      1. CHAPTER X, SECTION 10.0.3 Special Uses; adding P. Outdoor Events
      2. Motion to accept made by Stridiron and seconded by Shoemaker; vote to accept passed 5/0.
   3. **Definition of Outdoor Events**
      1. CHAPTER XXIII – DEFINITIONS; adding Outdoor Events
      2. Motion to accept made by Stridiron and seconded by Shoemaker; vote to accept passed 5/0.
   4. **Short Term Rental (STR) Special Use Letter to Morrow**
      1. Previously decided that the PC Chair, Kulka, would write letter to applicants; Kulka wanted PC members to give input; asked for discussion of his provided draft letter.
         1. Stridiron suggested adding:

4.) If any of the above listed conditions are not met, the board will consider revocation of the above special use permit.

5.) Have contact info of the manager of the site on file with Deb, Zoning Administrator, in case we have any problems

* + - * 1. Grobbel commented instead of the board, should say Planning Commission and agrees 5.) is very reasonable as well
      1. Shoemaker questioned point 3.) regarding October review, thought it was annual; Kulka agreed legit question
         1. Grobbel stated the Zoning Administrator just does their job, ensuring compliance, no formal review necessary, Graber will track compliance as an ongoing process and can just plan to report back to PC on this
      2. Shoemaker asked, should we have problems, what are our options?
         1. Grobbel stated normally Graber would have a conversation with the permittee and they would fix the issue; if ever need to enforce, cease and desist order and the use is to stop until it comes under compliance
      3. Kulka asked for further clarification on how to note 3.)
         1. Grobbel encouraged PC to remove 3.) because it is an internal house-keeping zoning administrator task rather than a condition of approval
         2. Jorgensen clarified draft 3.) would be removed and Stridiron’s suggestion 4.) & 5.) would become 3.) and 4.)
    1. Stridiron made below-noted motion and Shoemaker seconded; vote to accept passed 5/0.

Strike drafted 3.) and replace with:

3.) If any of the above listed conditions are not met, the planning commission will consider revocation of the special use permit; and

4.) Up-to-date contact information for the local property manager will be kept on file with the zoning administrator

* + 1. Kulka made motion to accept letter with discussed modifications and Stridiron seconded; no discussion, approved 5/0.
       1. Kulka will sign Monday while in office and send that day or next

1. **Concerns of the Planning Commission**
   1. **Concerns of the PC Chair**
      1. Regarding the handout from Kathy about minutes, Kulka was not previously aware each meeting’s minutes have to be approved at the next meeting
      2. Kulka wants to make sure we’re legally sound: will Jorgensen be able to serve as chair should she need to in Kulka’s absence
         1. Alan has raised this concern with township lawyer, sent today
         2. Per Grobbel, key is the qualified voter question; Jorgenson resides in Elk Rapids Township
         3. Grobbel stated Planning Commission Ordinance and Bylaws need to be in harmony; he has not researched this
      3. Planning commission’s fiscal year report
         1. Comment received: should be ‘proposeD’
         2. Covers what PC has done in fiscal year April 1st-March 31st
   2. **Concerns of the PC Members**
      1. Grobbel: in anticipation of broader short term rental discussions, sent drafts
         1. Version 2 of Zoning Ordinance Amendment and Version 1 of License Ordinance
         2. Training session gave Grobbel additional ideas from Sutton’s Bay Twp for next meeting; handout passed out
         3. Version 3 Zoning Ordinance and Version 1 Police Power Ordinance will be sent out by Grobbel
      2. Carleton asked about any existing options for better handling of document versions; perhaps being posted to website, someplace other than email; Grobbel suggested this be brought up to the Board
2. **Public Commentary**
   1. Dennis Schneider
      1. Here to find out what’s happening with outdoor events, just check on progress
         1. Per Kulka, at Antrim County PC for review next week; after reviewed, sent to TLT-PC and suggestions reviewed (hopefully on 4/9), then sent to Board for their decision (hopefully 4/16);
         2. Grobbel noted that Antrim County lost their planner; we want to avoid any delay so we should follow up to make sure letter is sent in a timely fashion
            1. Per Kulka, Graber will do this
3. **Close Special Meeting**
   1. Special Meeting adjourned at 6:47
   2. Motion made by Shoemaker to adjourn; seconded by Stridiron; vote to approved passed 5/0.