TORCH LAKE TOWNSHIP

ANTRIM COUNTY, MICHIGAN

Torch Lake Township

Planning Commission Meeting &

Public Hearing

Community Service Building

Draft Minutes

June 11, 2019

**Present:**  Shoemaker, Petersen, Jorgensen, Goossen

**Absent:**Kulka, Stridiron, Carleton

**Others:**    Graber, Grobbel

**Audience:**  12

**Recording Secretary:** J. Petersen

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

Meeting called to order at 7:02 pm by Jorgensen

**2.**  **Call to Order Public Hearing**

Meeting called to order at 7:02 pm by Jorgensen

**3.**  **Summarization of the Procedures and Rules**

Jorgensen summarized the procedure and rules for the public hearing

**4.    Public Hearing**

**4A Topic: Application for Permit #2019-20 for 31 Scoops Outdoor Events in Village District Zoned Parcel**

Jorgensen called for any public speakers regarding the aforementioned topics and there were none.

Jorgensen called for the secretary to read any correspondence received regarding the topics; Shoemaker read letter received. Letter #1 Letter from Szejbach - neighboring property in support of approving the application

Letter #2 Stridiron - opposed to approving the application stating concerns were parking, activities after dark (lighting) and crossing US 31. Letter #3 Holcomb; neighboring property owner; opposed to approving the application stating concerns were parking, pedestrian traffic and noise. Letter #4 Bill Sheldon; neighboring property owner; opposed to approving application stating concerns of noise.

Jorgensen asked for any further comments. Dennis Schneider (applicant) spoke. He stated the events planned would be over by 7pm with no noise thereafter. Pedestrian and vehicle traffic are a normal and daily part of the adjoining day park. 31 Scoops has 45 parking places with more available at his personal residence (not crossing US 31 or Public Dock road)

Jorgensen called again for any further comments from the audience and there was none.

**5. Close Public Hearing**

Jorgensen closed the public hearing

**6. No break was taken**

**7. Public Commentary**

Jorgensen asked for any public commentary and there was none

**8. Consideration of Agenda**

Graber requested to add agenda item 10 B: The Hubbell Barn Inspection to the agenda. Motion by Goossen to approve the agenda with the addition; motion seconded by Shoemaker, Jorgensen called for comments and vote; 4/0 motion carried

**9. Approval of Minutes**

Motion by Shoemaker to approve draft meeting minutes from May’s meeting; seconded by Goossen. Jorgensen called for comments and vote; 4/0 motion carried

**10. On-going Reports**

**10A Zoning Administrator’s Report**

Graber distributed an updated *Checklist for May 2019* and TLT 2019 Land Use Permits spreadsheet. A civil infraction was served on Hjelte road in the two dwelling / one lot situation, the homeowner has failed to respond or correct and the matter is now in the court’s hands. A Civil Infraction has also been served on Arrowhead Court for the dismantled RV’s, chickens etc. Court date 6/26/19 at 1pm. A Civil Infraction was served for short term rental violation on NW TL Drive resulting in signed order of intent to cease activity. Other violations, complaints, on-going permit status, and current zoning applications were summarized.

**10B PC Representative on ZBA Report**

Shoemaker stated the ZBA has not had a meeting since last reporting and the next ZBA meeting is scheduled June 12, 2019

**10C TLT Board Representative on PC Report**

Petersen reported the board has been working on administrative issues and nothing to report

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

The MTA will be holding a planning conference on July 9-10 in Bellaire - Graber will be attending. The Networks North group will host an informational meeting regarding medical marijuana three dates and locations in June - check the web for more info.

**12. New Business**

**12A. Permit #2019-20**

Jorgensen lead the commissioners in deliberations regarding the permit. Graber summarized the application request. The commissioners asked questions of the applicants and discussed the matter among themselves. The applicants wish to host outdoor events at their property at 31 Scoops. The events would be for crafting vendors and occasionally live amplified entertainment. The applicants stated that the intent was not to host these types of events every weekend, and started out as just one time but since the application and special meetings are costly and there is no “one time” option, the permit request is not limited to one time. Grobbel advised the commissioners of their right and duty to require and impose certain standards for safety and ordinance upholding. He referred to chapter 17; items 1-11. Comer stated that while not every event will have entertainment, they would like to hold the craft fair event multiple times throughout the summer. Goossen added that the approval of the special use will remain with the property, meaning if the property is ever sold, if the special use is approved, it will remain with the property. The commissioners discussed #of weekends to allow, parking requirements, restrooms, fire safety and proposed hours of operation. The application and site plan were reviewed for solutions to these questions. Regarding the issue of amplified music Grobbel advised the commissioners they have the authority to “prevent nuisance” and the duty to ask questions. He stated that the standard guideline is to tell the event holder “Thou shalt not create a nuisance” and realize that is not the intent of the applicant, nor is police intervention. Jorgensen referred to and read page 17.1 and 17.2 from the zoning ordinance. The commissioners found no need to require or request any items from 1-11. Graber reviewed the setbacks of the 31 Scoops building, stating that it is a legal, noon-conforming building in the Village Business Zoning District. Jorgensen read from Chapter 17 the four standards used in the approval or denying of a special use permit application. Chapter 17; Section E items 1-4.

1. The special use proposed must be consistent with and promote the purpose and intent of the ordinance and zone district in which the use is proposed. A motion was made by Petersen to accept this criterion as being met by the applicants. The motion was seconded by Goossen. Jorgensen called for discussion and vote passing 4/0
2. The special use proposed must be compatible with the zoning and use of adjacent lands. A motion was made by Petersen to accept this criterion as being met by the applicants. The motion was seconded by Shoemaker. Jorgensen called for discussion and vote passing 4/0
3. The special use proposed must not adversely impact the environment. A motion was made by Petersen to accept this criterion as being met by the applicants. The motion was seconded by Shoemaker. Jorgensen called for discussion and vote passing 4/0
4. The special use proposed must not unduly burden or exceed the ability for public service or facilities to handle the anticipated needs of the community. A motion was made by Petersen to accept this criterion as being met by the applicants. The motion was seconded by Shoemaker. Jorgensen called for discussion and vote passing 4/0

A motion was made by Petersen to approve Special Use Application 2019 with conditions as follows.

* The event weekends will be limited to 8 weekends from May 15 through September 15.
* Parking for these events will be limited to on-site parking (no parking on the highway)
* Event hours will be 11am-7pm

The motion was seconded by Shoemaker. Jorgensen called for discussion and vote; 4/0 application approved. The applicants were informed of the approval and told they would receive written confirmation by mail.

**12 B Site Plan Review**

Jorgensen summarized the application and intent. 4745 N US 31 South, Zoned Village Business property. The proposal is for John E. Green Corporation to build structures for office, showroom and storage. Serenity Dankert (General Contractor) spoke to the commissioners and outlined the site plan. She addressed and answered questions regarding setbacks, drainage, lighting, signage etc. as outlined in the application. Jorgensen directed the commissioners to ask Dankert questions and discuss concerns. The concern of landscaping resulted in the proposing of removal of two parking spots and subsequent vegetative plantings. Petersen proposed that sometime before occupancy a landscape plan be submitted to Graber for approval. Jorgensen called for public comment. Mary Geiger, homeowner to the south of the proposed site spoke and expressed concerns about traffic entering and exiting on to US 31 and requested looking into a rotation and re-orientation of the buildings on the site. Shoemaker asked if the MDOT has the final authority and would be reviewing of the access to the property in relation to US 31 - Dankert affirmed this to be the case, upon receiving township site plan approval.

A motion was made by Petersen to accept the site plan - with the following change: to turn the 4 center parking places into 2 parallel spaces and make the remaining spots a landscaped area with vegetation. A landscape plan will be submitted to Graber prior to occupancy. Motion was seconded by Goossen. Jorgensen called for further discussion and vote 4/0 accepting the site plan and condition. The applicants were informed by Jorgensen that they would receive written confirmation in the mail.

**13 Unfinished Business**

**13A STR in Village Business and Village Residentially Zoned districts**

Grobbel summarized for the commissioners where things stood and Jorgensen lead them to discuss the options as they have been since February 2019. Grobbel distributed a checklist he constructed as things for the commissioners to think about, ask about and use as guidelines in hearing applications for special use. The group deliberated their options, Jorgensen polled the commissioners resulting in confirmation that the process of hearing special use applications is valid and does not need revision. A motion was made by Petersen to leave the ordinance as is, develop/adopt guidelines for approval and keep the process of hearing applications on a case by case basis as it is, as well as recommend the board lift the moratorium. The motion was seconded by Goossen. Jorgensen called for discussion and vote 4/0 passed.

**14. Concerns of the Planning Commission**

**14A Concerns of the PC Chair -** Jorgensen asked for comments and none were given

**14B Concerns of PC Members -** Graber shared letter from Fire Chief Ryan Bigelow regarding the Hubbell Barn inspection - Bigelow approved the building and exit and emergency lighting was recommended - Graber will send Hubbell a copy of the letter.

**10. Public Commentary**

John Jenkins - homeowner at Traverse Bay Road stated he owns and is purchasing property in the village business district and cleaning it up. He has consulted and been pleased with the education he has received in discussions with Deb Graber and attended in hopes of the moratorium ending. Graber encouraged his attendance at upcoming meetings and or submit letters to be read if he cannot attend.

**11.**  **Adjournment - 9:36pm**

With nothing further, a motion was made by Jorgensen to adjourn, the motion was seconded by Petersen; Jorgensen called for further discussion and vote passing 4/0.