TORCH LAKE TOWNSHIP

ANTRIM COUNTY, MICHIGAN

Torch Lake Township

Community Services Building

SPECIAL Planning Commission Meeting

s APPROVED MINUTES AT THE JANUARY 11,2022 MEETING W/NO CHANGES, PASSED 5-0

November 9, 2021

**Present:**  L. Carleton, B. Budros, B. Hawkins, J. Merchant, A Graves, D. Walker, B Dvorak

**Absent:**

**Others:**    B. Cook (TLT Supervisor), Sara Kopriva (TLT Planner),

**Audience:** 11

**Recording Secretary:** J. Petersen

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

Meeting called to order at 7:02pm by Carleton

**2. Pledge of Allegiance**

The Pledge of Allegiance was recited

**3. Election of Officers (Chair, Vice-Chair, Secretary and appointment to ZBA)**

Merchant nominated Andy Graves for Chair/ Second - Hawkins 7/0 passed

Graves nominated Dvorak for Vice Chair/Second - Hawkins 7/0 passed

Graves takes over as Chair for Carleton - Graves expressed his gratitude for being on the PC and is eager to take on the roll.

Graves nominated Carleton for Secretary/Second - Hawkins 7/0 passed

Bob Hawkins volunteered for ZBA representative to the Planning Commission/ Second - Carleton 7/0 passed

**4.** **Consideration of Agenda**

Hawkins/Carleton 7/0

**5. Conflict of Interest**

Graves asked if there was any conflicts of interest and there were none.

**6. Public Hearing**

1. **Chapter 20 Zoning Board of Appeals Amendment**

Graves opened the public hearing and asked for public comment - There was none

1. **Section 2.16 High Water Mark Amendment**

Graves asked for public comment regarding 2.16 High Water Mark Amendment

Bob Spencer 709 NW Torch Lake Drive - wants members to decide what the problems were when deciding on this amendment - he has spoken to Drain Commissioner (Stone) if Torch Lake had an established ordinary high water mark - Stone said NO. Ordinarily, in the past the setback was measured from the water’s edge. Spencer is concerned that Torch Lake lies in many townships, not just Torch. Spencer said Stone recommended TLT get with the other 6 townships and agree on a common number. In the past the PC has had many discussions and because the Army Corps. of Engineers establishes the elevation of ordinary high water mark - and because it is a point of elevation it is difficult to locate. 50’ from the water’s edge is more easily measured. In order to find OHWM is to have lot surveyed. There are over 400 property owners on Torch Lake and if every homeowner has to get lot surveyed to find OHWM; it costs over $1000. Spencer does not support requiring land owners to pay thousands for surveys. The waters edge fluctuates and there is no finite measuring - and what about lots that are angled? Where is OHWM on those lots. There is a reason the prior PC established the setback come from the water’s edge due to all the factors he’s discussed. Spencer welcomes all new members and thanked the commission for their time.

Bill Stridiron 5903 N M88 Eastport - says problem arose establishing OHWM because a landowner established his setback in the spring and by the time he brought his plans to the consultant, the water’s edge had moved. Stridiron said the purpose of the suggestion was to establish a finite mark. Stridiron says he spoke with Stone and 4 surveyors and they agreed with the premise that it is above Sea Level. After discussing with the prior Planning Commission - he felt a constant number that applied to everyone on Torch. He said the intent was to stop going back and forth with the water level and treat everyone fairly. Stridiron says a surveyor quoted him $50 (in addition to the survey) and feels it is negligible.

Graves asked for further public comment there was none.

Dvorak - motion to close public hearing - Second-Budros 7/0 passed

**7. Approval of meeting minutes from October 7, 2021 and October 12, 2021**

October 7, 2021 -Merchant/Carleton 7/0 passed

Budros clarified that the petition was for a referendum.

October 12, 2021 -Merchant/Hawkins 7/0 passed

**8. Public Comment**

Jerry Kulka 2341 San Marino Trail spoke to commissioners regarding having been on the planning commission for several years. Kulka distributed hand out of PC info and suggested PC members take training.

Bob Spencer 709 NW Torch Lake Drive Spencer discussed the concept of a meandering line of the OHWM on Torch Lake lots that meander and angle - where do you take the measurements - there are an awful lot of variables he wants to caution the PC to consider.

**9. On-Going Reports**

1. **Zoning Administrator’s Report**

No Comments

1. **PC Representative to ZBA Report**

 None

1. **TLT Board Representative on PC Report**

Merchant reports that TLT has hired Bob Hawkins as the Ordinance Enforcement Officer

**10. Correspondence-** None

**11. New Business** - None

**12. Unfinished Business**

1. **Chapter 20 Zoning Board of Appeals Amendment**

Kopriva explained why the ZBA made revisions to their ordinance and how it got in front of the PC. Kopriva explained the ordinance amendment process. The commissioners discussed Chapter 20 and the proposed changes. Kopriva states the commissioners can decide to accept and pass to the county and board OR they can wait for the ordinance rewrite that is currently going on with the TLT Steering Committee for inclusion and passing then. Graves states that since the ZBA went the trouble of making suggestions the PC should do its best to move it along.

Budros-Motion to accept the revision of Chapter 20 and pass along to the county with changes - Merchant Second 7/0 passed

Carleton proposed some minor changes (grammatical and spelling) Kopriva will change final draft to county.

1. **Section 2.16 High Water Mark Amendment**

The commissioners discussed the amendment as well as the input from public comment. Graves stated there is no urgency to pass this but wishes for the PC to discuss and study further. Dvorak asked if TLT knows where other townships stand - possibly asking the other townships for consistency. Dvorak agrees there is no urgency. Carleton and Hawkins are in favor of a defined point of elevation and consistency.

Motion to table the issue for further research - Dvorak/Walker 7/0 passed

1. **Village Business / Commercial Zoning District Discussion**

Graves lead the commissioners on discussion, referencing the proposed changes from the prior planning commission. Graves stressed the importance of timing and moving forward. Kopriva stated the moratorium expires December 7, and a public hearing takes about a month to notice and schedule. Commissioners discussed scheduling the public hearing. Commissioners ask Kopriva to schedule a public hearing December 6. Motion by Graves to schedule public hearing on December 6, 2021 at 7pm / Budros (second) 7/0 passed. Dvorak will not be able to attend. Graves asked to schedule two (2) special meetings of the Planning commission prior to the public hearing - The commissioners decided on ***11-23-21 at 7pm and 11-30-21 at 7pm*** (second meeting if necessary) to discuss Village Business / Commercial Zoning District.

Kopriva summarized the proposed changes and distributed DRAFT 11.3.2021 for the commissioners to review and discuss.

Commissioners asked questions to Kopriva and discussed the issues. Graves asked Kopriva to prepare a square footage example/point of reference. Graves suggests PC members review and return on the 23rd with comments and suggestions.

Graves - Motion to table issue until 11-23-21 meeting/ second - Dvorak 7/0 passed

**13. Concerns of Commission**

1. **Chair**

 Graves reemphasized gratitude in serving on the PC as chair - and assures that PC will work through the open items from tonight’s meeting. Graves asked Kopriva to summarize where the discussion of the airpark stands. Kopriva stated that it was discussed that the Master Plan could use to be reworked to include the airpark as an option. She will help the PC come up with a plan to bring the airpark into the ordinance and or Master Plan.

1. **Members**

No Comments

1. **Consultant**

Kopriva welcomed the new PC members and reminds all she is available to help at any time - email or call.

**14. Public Commentary**

Rob Vermeer 8619 Sun Bay Court spoke to the group -he welcomes the three new members and introduced himself and Ann (his wife). Vermeer summarized recent events etc.. he stated that while awaiting the outcome of the petition for referendum to put the issue on the ballot, he is proceeding with a Special Use Permit (SUP) to use his Village Residential property to house his business for Lake Living Services (LLS). LLS is a home watch and handyman maintenance business and he expects to come before the PC again very soon and wanted them to know who and what he is. They are a very small business with 2 employees. The actions over the past few months have stalled his moving in to M88 and as caused financial hardship. Awaiting a ballot decision will further delay this another year. Some people, including some members of the PC and many neighboring homeowners raised the question during public comment asking why an SUP wasn’t pursued in the first place. Comments implying they have no issue with doing that (his obtaining SUP). Comments often implicated they had no problem with LLS business but were concerned about future owners when/if we sell property. What or Who would come next? Vermeer states he is learning but is no zoning expert so in March when he purchased the property he went directly to the (prior) zoning administrator for advice on how to proceed. He was told an SUP would not apply to them and that a rezoning to Village Business was the best path forward and this is what he did. Vermeer stated he was well down the path and has invested time and money into the rezone before it surfaced that he could indeed apply for an SUP. Vermeer pointed out this is where he is today. Yesterday Vermeer reported he had a preliminary site plan review with the current Zoning Administrator (Sara) to have his SUP considered during the December PC meeting. He states letters will be mailed to neighbors within 300 feet and sincerely hopes that those residents who seemed previously unopposed to his business under an SUP will stay true to those comments. Ultimately, states Vermeer, we hope to see the value of our refurbishing a failing building (The old Eastport Resale Shop) and approve the SUP. The mission of LLS is to serve property owners in Northern Michigan - They very people who reside in the township - Vermeer stated that over half of his customers are in Torch Lake Township. He hopes to be operating from M88 as quickly as possible and looks forward to sharing his plans with the PC in the near future.

Bill Stridiron 5903 N M 88 Commented on PC and ZBA guidelines and asked PC to consider adding Langworthy’s 5 criteria to the ordinance.

**15. Adjournment**

Motion to adjourn Merchant/Hawkins - 7/0 passed