**TORCH LAKE TOWNSHIP**

**PLANNING COMMISSION DRAFT MINUTES APPROVED AS PRESENTED AT THE MARCH 8, 2022 MEETING. PASSED 7-0.**

**January 11, 2022**

**Community Services Building**

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

**Others:** S. Kopriva

**Recording Secretary:** Veronica Beitner

**Audience:** 15

**1. Call to Order** at 7:00 pm by Chair A. Graves

**2. Pledge of Allegiance** by all

**3. Consideration of Agenda** – (M/S) B. Budros/B. Dvorak motion to approve the Agenda as prepared. No Discussion. Passed 7-0

**4. Conflict of Interest** – Due to proximity of B. Hawkins’ Residence, he will recuse himself from the 31 Scoops discussion.

**5. Public Hearing** opened at 7:03 pm

**A. Special Use Request PCA 2021 – 35:** 31 Scoops for adding non-motorized water craft rental services to their restaurant. B. Hawkins left meeting at 7:04 pm and returned at 7:12 pm.

Applicant summarized request for rental of non-motorized water craft at the Public Dock.

Public Comments: Lysle Johnston, 12305 Third St requests for specific launch location. Shelley Johnson, 5893 N. M-88 spoke to existing Day Park Concerns such as sanitation and feels that this would add to debris issues. Written Correspondence: Anonymous email – opposed to application due to increased traffic which will impact residents that live nearby and safety concerns. R. Devries, 2695 Prospect St. called with concerns regarding the Swim Area. B. Shelton requests clarification regarding liability for user (renter) error and if launch is used. Whom would pay that fee? J. Jenkins, 2785 N- US 31 support the added services and does not see a significant increase to traffic.

**B. Special Use Request PCA 2021-36 Special Use Permit request for Lake Living Properties, LLC**, parcel number 05-15-106-014-20, located at 5884 N M-88 Hwy, Central Lake, MI 49622 for a trade showroom. Applicant provided historical summary of company and yearlong process with this application. Highlighted changes made to original request which includes non-lighted sign and limited parking. Applicant addressed Zoning Administrator comments in packets regarding screening, Green Belt and storm water runoff.

Public Comment: B. Agar, 596 N M-88 acknowledges improvements property owner has completed. States he is a good neighbor and requests additional information regarding definition of a trade room but also feels added business will be good. No written comments.

**6. Approval of Meeting Minutes:** (M/S) B. Dvorak/J. Merchant motion to approve the minutes of November 9, 2021 as presented. No Discussion. Passed 7-0. (M/S) B. Dvorak/L. Carleton motion to approve the minutes of November 23, 2021 as presented. No Discussion. Passed 7-0. (M/S) B. Dvorak/J. Merchant motion to approve the minutes of January 6, 2022 with amendments as discussed. Passed 5-0. Section 6B first sentence should read “A. Graves stated the purpose of having a strategic planning meeting was to organize the commission’s next steps to ensure we are prepared to meet the demands of the changing dynamics of the community.” Discussion around the statement “The intent of the Master Plan review was to add the airpark as it is clearly missing from the plan and should have been included” with B. Budros expressing objection to this statement by Consultant/Zoning Administrator S. Kopriva and strongly recommends that the history of the airpark be studied before any further discussions. A. Graves stated he felt the existence of the Airpark is worthy of taking the time to consider whether it be added to the master plan. W. Dvorak suggests that all members study the historical information regarding the Airpark to help in determining any changes to the Master Plan. (M/S) B. Hawkins/L. Carleton motion to approve the minutes of December 6, 2021 as drafted. No Discussion. Passed 7-0.

**7. Public Comment** – None

**8. On-going Reports**

**A. Zoning Administrator’s Report** – provided in packet with S. Kopriva available to answer any questions. A. Graves asks for summary of activity with applications. S. Kopriva responded with an anticipation to pick up now that we are in the New Year.

**B. Planning Commission Representative to ZBA Report** – B. Hawkins reported meeting cancelled.

**C. Torch Lake Township Board Representative on PC Report** – J. Merchant reports on Commissioner J. Rubingh announcement for Antrim County looking for 2 licensed builders to be on an appeal committee, the Board voted to adopt the 2022 meeting schedule, approved the adoption of the Policies and Procedures, Articles 1-16, filled vacancy of Board of Review with J. Petersen, discussed possible expansion of Cemetery, upgrading camera systems and began discussions regarding a full time police officer.

**9. Correspondence** – A. Graves and B. Dvorak received an email from D. Graber. Email summarizes history of previous application regarding the Airpark and encourages commissioners to read through the historical information. Author states additional details and her thoughts regarding any changes to the Master Plan.

**10. New Business**

**A. Special Use Request PCA 2021-35** **for 31 Scoops to add non-motorized water craft rentals.** B. Hawkins recused himself from meeting at 7:46 pm and returned at 8:28 pm.

S. Kopriva reviewed application request and reviewed her report with highlight to fact that there are two areas being addressed. One being the restaurant and the other being to the south of property. This is all in the area zoned Village Business which means it is assumed it will be okay. Email exchanges with the owners also included for review. Ordinances addressed were parking, green belt with no details to what this should look like being in a mixed use zoned area. Parking calculations were not provided with specific to boat parking needed. Issue would be if there is not enough parking for the Restaurant, then it would be considered nonconforming. Review of site plan included question as to requiring a professional site plan. Other comments included signage and any future plans for such. Many questions regarding loading and unloading, impact on public beach area, and how this added service will function overall. Will Township launches be utilized? If so, usage must be consistent with the Township Board and the Day Park Committee. Chair Graves states that this last item must be considered and recommends beginning the review process tonight but final approval or denial would need to wait for discussion with the Township Board. L. Carleton asks if report reflects comments from applicant which was affirmed.

Commission Questions:

B. Budros questions: How will this work? Where will the non-motorized equipment be and how will they be transported. A: They can pick up and take to their own property or take to the north end launch. There will also be a trailer with canoes available to be dropped off. Not necessarily will be utilizing Day Park. (Q) What types of vessels will be offered and how many of each? A: no more than 10 of each variety but no final determination. (Q) Safety of loading and unloading of equipment on restaurant property. A: As it stands right now, there is a separation by a bench that can be further detailed out. Yes, to issue of insurance liability.

D. Walker commends applicant for considering this venture but has many concerns. Feels that the requirement of a complete application was not provided. Requests input from Commissioners regarding this issue. States that applicant should have firm details regarding quantity and types of non-motorized watercrafts. Location of launch and safety are additional concerns. Applicant states they have been trying to attend day park meetings but last was cancelled. Feels that it is difficult to anticipate numbers due to staffing issues. Applicant states they have 42 parking spaces and have never fully utilized. Commission notes the DNR site is not supposed to be a swim location so she cautions sending their customers to that area.

A. Graves requests clarification of parking. Applicant provided summary. Discussion ensued regarding need for details of parking as well as feasibility of utilizing spaces on Public Dock Road. Applicant states prior business did utilize those spaces. Question regarding transportation of equipment which applicant stated wanting to be flexible to be able to provide that service if needed. Reference made to new launch in Elk Rapids at the Dam Store and asks if S. Kopriva had contacted them for any insights. S. Kopriva will reach out to Elk Rapids Village for inquiry. Safety concerns are a broader issue that must include comments from the Torch Lake Township Board and the Day Park Committee. What is the current process for people bringing their own kayaks? Applicant provided a brief answer.

J. Merchant asks for details of rental. Applicant states that rentals would be half or full day rentals; at least 4-hour time slots or even overnight. Rick and Audra Randall are other tenants in building and in support of venture. Inquiry as to possibility of beer and liquor sales which is still something that applicants are pursuing. Applicant states they would rather not use Third St. road end when questioned due to safety concerns.

B. Dvorak asked if nonresidents can launch non-motorized vessels at Day Park with affirmation being given by S. Kopriva. Asks if the applicant would be willing to state a limit of quantity and types of vessels at this time which was agreed by applicant. Questions to launch area for such vessels would be a Day Park decision.

Chair Graves asks if S. Kopriva has captured enough items to review with the applicant to address before there is any more discussion. She states she feels she has enough and will also proceed with conversations directed toward the Day Park and the Board.

L. Carleton does appreciate the flexibility of the applicant but agrees with other thoughts that application should be more complete.

**B. Special Use Request PCA 2021-36 Special Use Permit request for Lake Living Services, LLC, parcel number 05-15-106-014-20, located at 5884 N M-88 Hwy, Central Lake, MI 49622 for a trade showroom.**

S. Kopriva opened with additional clarification regarding definition of a trade room and any future property owners’ limitations. As the applicant did provide answers to Zoning Administrator’s report, discussion began going through this schedule. S. Kopriva addressed area to South in regards to screening and existing vegetation. All partially satisfied information is summarized at the end of the report

A. Graves asks for clarification regarding any approval to this application. Discussion confirmed that approval would apply only to usage as detailed in this application. Further review of definition of minor versus major changes should another property owner want to change in future. Other issues such as hours of operation, noise and how it would impact neighbors, outdoor storage for such things as trailers were also reviewed. Applicant asked to describe a bit more in detail the vision of the property and building. Is there a need for additional vegetation/screening? Neighbor offered opinion that he would prefer there not be placed a formal structure.

J. Merchant asks for clarification of ability to park his truck and trailer on the property which could be changed to overnight and weekends. Would Hours of Operation indicate that the owner could not be present after stated hours? S. Kopriva stated that it could be written that any after hour work must be conducted indoors. When would snow plowing be conducted? Answer: 8:00 am or later.

D. Walker clarifies hours of operation and states as the property owner he can be present as he feels fit. Feels it is understandable to state there could not be public foot traffic outside the hours of operation. How do you address items such as employee meetings or maintenance on equipment? Applicant supports comments and states he would not be intrusive to community by working outside or making noise late into the evening.

B. Budros suggests removing detailed language regarding Hours of Operation. Asks commissioners if they can approve without using the term trade showroom? Answer: yes, that term can be removed.

L. Carleton states noise would be addressed by other ordinances.

A. Graves supports this statement and feels any issues would be reported by filing of complaints to authorities. Applicant stated when they conduct business, their typical hours of operation are 8:30 am to 5:00 pm. Requests for location of the dumpster. Answer: facing lot, look to right of property near a Maple tree that has a fence surrounding. S. Kopriva directed commissioners to location on site map provided.

B. Dvorak explains that the term “trade showroom” was used as it is the closet description commission has to utilize. Inquiry as to progression of business evolving into a contracting business. Applicant states he is a licensed contractor but does not have the ability nor interest in building homes.

**Standards for Approval:**

1. All members agree standard is met

2. All members agree standard is met.

3. A. Graves agrees with recommendation that a Soil and Erosion test be conducted and provided on condition of approval.

4. All members agree standard is met

5. All members agree standard is met

6. All members agree standard is met

7. All members agree standard is met

8. After tonight’s discussion all members agree standard is met

9. B. Budros asks if the picture provided is the exact one to be placed and if so, what time will it be on? Further discussion ensued regarding compliance with Ordinance. Applicant states he would be fine with condition to only have light on during hours of operation/not on overnight. Discussion ensued. All members agree with recommendation that the lighting be Consistent with the light shown in the application.

10. All members agree standard is met

11. All members agree standard is met

12. All members agree standard is met

13. Subject to the fire department approval all members

14. All members agree standard is met

15. All members agree standard is met

**Special Use Standards**

1. All members agree standard is met

2. All members agree standard is met

3. All members agree standard is met

4. All members agree standard is met

**Review of Conditions:**

Outside agency permits including soil and erosion required part of land use permit, dumpster details to be provided to staff for approval, Fire Department sign off, hours of operation should be limited from 7:30 am to 6:00 pm with striking other language, outdoor storage of materials or vehicles except vehicles and trailers can be parked in designated area overnight or over the weekend, no showroom, lighting shall be similar to proposed.

(M/S) J. Merchant/B. Hawkins Motion to approve the Special Use Permit for Lake Living Services, LLC as it meets the standards for approval with the conditions set by the Planning Commission. J. Merchant, yes, L. Carleton, yes, A. Graves, yes, B. Hawkins, yes, D. Walker, yes, B. Dvorak, yes, B. Budros, yes.

**11. Unfinished Business**

A. Section 2.16 High Water Mark Amendment – D. Walker did some review and reports how others handle this issue. Based on this review, she does not see a need to create at this time but ultimately needs more research. A. Graves concurs and states it should be addressed at the next regular meeting. S. Kopriva will add to agenda and encourages any research be completed and passed on to be included in the packets for all to review.

**12. Concerns of Commission**

**A. Chair** has no concerns and thanks everyone for diligence and patience.

**B. Members:** J. Merchant mentioned the High Water Mark and states former Chair B. Stridiron did extensive research on this topic and suggests anyone interested speak with him. A. Graves suggests B. Stridiron be available for a presentation and discussion. L. Carleton agrees with suggestion. Mr. Stridiron is able to be available.

**C. Consultant** – none

13. Public Commentary – Lysle Johnston would like to encourage Committee to look into the history of the Third Street road end.

(M/S) J. Merchant/B Dvorak motion to adjourn the meeting at 9:18 pm. No discussion. Passed 5-0.

Minutes Respectfully Submitted by Veronica Beitner and subject to approval at the next scheduled meeting.