TORCH LAKE TOWNSHIP

ANTRIM COUNTY, MICHIGAN

APPROVED Minutes Planning Commission Meeting AS PREPARED 6-0.

May 10, 2016

Community Service Building

Torch Lake Township

Present: King, Bretz, Goossen, Kulka, Walworth, Schoenherr

Absent: Jorgensen

Others: Olsen, Vey, Grobbel

Audience: 45

Walworth reviewed purpose of Public Hearing regarding three requests: (1) Special Use permit in Village Residential zone to operate dock fabrication and storage, (2) Special use permit in Village Business zone for outside food and beverage service, and (3) Request for amended text in R-1 zone.

1. **Open Public Hearing – Regarding Request for special use on Parcels 05-14-106-014-00 and 05-14-106-014-25 to operate dock fabrication and storage on the site:**

Public Hearing opened at 7:36.

Tad Dowker, submitted Special Use Application for a property on north side of Torch Lake at M-88 and East Torch Lake Drive. Property is zoned Village Residential. Dowker is owner of North Shore Dock LLC, a business that installs and moves docks and hoists. Currently employs 18 people and has been in business for nine years. Proposal is for a 60’ x 124’ shop, which would house offices and a general work area. Some of the 25 acre parcel would be used for outside storage of docks, hoists and boats, an area which would be fully concealed by existing natural green belts.

* Goossen asked about what they do.
* Bretz asked about dependency on DNR launch at north end of Torch Lake.
* Grobbel cited Section 17.01 and requirements for Special Use Permit:

1. Consistent with purpose and intent of ordinance and zone district in which the use is proposed.
2. Special Use proposed must be compatible with the zoning and use of adjacent lands.
3. Special Use proposed must not adversely impact the environment.
4. Special Use proposed must not unduly burden or exceed the ability of public services or facilities to handle the anticipated needs of the community.

Public Comment

*David Taylor, 5844 M-88, Central Lake*

Proposed extra storage would be visible from his property. Objected to commercial use of property.

*Charles Arnold, 4916 N. East Torch Lake Drive, Central Lake*

Questioned zoning boundaries and clarity of maps.

*Bill Stridiron, 5903 N. M-88, Eastport*

Resides across from property within 300 foot boundary. Did not receive notice of the hearing and was not aware of change to Village Business zone. Concerned about eventual storage of boats in the off-season

Mr. Dowker said that his storage buildings are located on Indian Road in Kewadin and office is in his home on Cairn Highway.

*Pat McClurg, 5885 N. M-88, Eastport*

Resides across from property within 300 foot boundary. Did not receive notice of hearing. Concerned about future expansion of business.

*Jennifer Hebert, 5917 N. M-88, Eastport*

Resides in first house to east of DNR launch sight. Concerned about a commercial business using DNR launch. Objects to location of business. Also concerned about increased volume of boats going in and out.

*Butch Dewey, 206 Second St., Bellaire*

Owner of property in question. Encouraged Planning Commission to consider special use permit.

*Stuart Doyle, 4308 N. East Torch Lake Drive, Central Lake*

Said marinas are an eyesore to passing traffic on U.S. 31 and M-88. Suggested 8-foot fence behind existing homes.

*Don Leys, P.O. Box 147, Eastport*

Wanted to know procedure for granting special use permit. Walworth reviewed process: Public Hearing > Concerns of the Public > Review of Site Plan with Applicant > Qualification of Criteria for Findings of Fact > Approve, disapprove or approve with changes.

*Brian and Lynn Agar, 5911 N. M-88, Central Lake*

Objected to special use permit. Does not fit with TLT Master Plan and also is not compatible with adjacent lands. Concerned with traffic on M-88.

*Dave Taylor*

Expressed concern for power washing deck of womanized wood and chemical run-off.

*Lynn Agar*

Asked about enforcement of Special Use permit. Walworth responded that Zoning Administrator would be responsible for enforcement.

*Brian Agar*

Received clarification from PC that special use permit remains with property in perpetuity, not owner.

Five letters read into record:

* Letter from Craig Ruggles. Concerned about traffic on M-88 and creating negative impact on neighborhood.
* Letter from Herbert Ruggles. Concerned about size off pole barn, size of business, hours of operation and traffic on M-88.
* Letter from Susan Metz. Felt that proposal is incompatible. Not in support of approval.
* Letter from Sue and Tom Verellen.
* Letter from James Craig. Questioned not seeing site plan ahead of time. Also cited lack of commercial developments in area.

Public hearing closed at 8:41.

1. **Open Public Hearing – Regarding Request for Special Use on Parcel 05-14-312-009-00 Located at 4990 N. U.S. 31 to Permit Outside Food and Beverage Service at the Site:**

Public hearing opened at 8:43.

Jim Hettinger, Applicant and owner of restaurant property, reviewed his request to add outdoor service on portions of the deck, which wraps around the west, north and east sides of the building. Proposed outdoor service area would be low key, and used for quiet enjoyment of guests. There is no anticipated increase in noise, or disruption to neighborhood.

He further added that there are no plans for outdoor music, plan on adding hedge at back, side and back areas will be used for parking.

* Kulka asked about sitting outside after dark and whether there would be outdoor lights. Hettinger responded that they will close at 9:00 and there will be no spotlights.
* Goossen referred to A-ga-Ming case regarding noise. Hettinger said there are no plans for outdoor music.
* When asked about proposed opening date, Hettinger said sometime in July.

No public comment.

Public hearing closed at 8:48.

1. **Open Public Hearing – Regarding Request to Amend Section 7.02, Special Uses Within the R-1 Zone:**

Public hearing opened at 8:49.

Walworth summarized proposal with two alternatives:

1. Eliminate Special Uses in R-1.
2. Keep what is there but do not allow boat launching sites.

Lee Scott, representative of the Torch Lake Protection Alliance, summarized the property owner’s request and the original court injunction of 1994. Currently, the Michigan Waterways Committee gave $75,000 to the DNR for an engineering study regarding boat launch and dredging. The Alliance’s main interest is in giving teeth to the Zoning Ordinance to maintain quality of life on Torch Lake.

* Bretz spoke to the effect of dredging on lake quality. Also, the engineering study has not been done yet. Studies can be done, but construction cannot be undertaken.

*David Visser, 975 N. West Torch Lake Drive, Kewadin*

Resides directly south of proposed launch site (at Maclachlan Road and Torch Lake Drive). Opposed to boat launch and the requirement of dredging.

*Pat O’Dell, 1281 N. West Torch Lake Drive, Kewadin*

Opposed to boat launch. Suggested amending language to keep zoning ordinance strictly residential.

*Bob Spencer, 709 N. West Torch Lake Drive, Kewadin*

Spencer said that there was not proper noticing of public hearings, annual meeting dates were not posted and meeting materials were not available at Township office or their website.

*Dan Wettlaufer, 2939 N. West Torch Lake Drive, Kewadin*

Concerned about another “sandbar” area with the proposed launch.

Walworth said PC is not considering a proposal regarding the DNR. Under consideration is amendatory language in R-1 ordinance. If it goes forward, the change has an effect on other Zone language.

Three letters read into record:

* Letter from Virginia Mouch. Advocate for zoning and would like to see the nature of the language upheld.
* Letter from Robin Selako. Not in favor.
* Letter from Ben Scheiwe. Not in favor.

*Don Schultz, 5450 East Birch Drive, Kewadin*

Said that proposed launch would ease traffic at north end of Torch Lake. Does not want the zoning ordinance changed.

*Dieter Amos, U.S. 31 South, Kewadi*n

Said don’t restrict use of property, let State of Michigan make something out of property. Would like to see it as a park.

*Richard Moran,*

Many people want to use Torch. There is no launch for sailboats and sailboats would cut down on power boats.

*Lee Scott* said there are many sailboats on Torch Lake. Also, DNR had many opportunities to develop boat launch sites over the years.

*Visser* stated he uses the Torch Lake Township boat ramp.

Public hearing closed at 9:39.

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

Meeting called to order at 9:55.

5. **Consideration of Agenda:**

Goossen asked to add Item #8b.: Noticing of Public Hearings. No objection to addition.

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

None.

7. **Approval of Minutes, April 12, 2016 Meeting:**

Motion by Schoenherr, seconded by Kulka, to approve minutes, passed 6-0.

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

Bill Stridiron referenced a letter regarding use of snow plow equipment.

Bob Spencer questioned the legality of the Public Hearing held on March 10.

8b. **Noticing of Public Hearings:**

* Goossen asked who is responsible for notification. Walworth said it is responsibility of Zoning Administrator. He also said that he and Vey need to have meeting with legal counsel.
* Walworth also mentioned a schedule of meetings for the year, and also the requirements for moving forward to a Public Hearing.
* Goossen mentioned the practical side of having materials ahead of time.
* Grobbel cited the necessity of Findings of Fact and that an administratively complete application needs to be in hand. Also applicant has to have complete documents.
* Walworth said that text amendments should be in ordinance format. However citizen proposals require Public Hearing, per ordinance language, on that proposal.

Motion by Goossen, seconded by Kulka, to table further conversation or consideration of Items 9, 10 and 11 on Agenda. Schoenherr said PC should be cognizant of business owners with special use requests. Motion passed 6-0.

1. **Discussion and Possible Action on Request for Special Use on Parcels 05-14-106-014-00 and 05-14-106-014-25 to Operate Dock Fabrication and Storage on the Site.**

Tabled.

1. **Discussion and Possible Action on Request on Parcel 05-14-312-009-00 Located at 4990 N. U.S. 31 to Permit Outside Food and Beverage Service at Site:**

Tabled.

1. **Discussion and Possible Action on Amendments to Section 7.02, Special Uses Within the R-1 Zone:**

Tabled.

1. **Discussion of Future Agenda Items:**

Walworth said PC did not properly notice March 10 meeting as Public Hearing. Also date was changed due to election conflict with meeting space.

13. **Concerns of the Public:**

Spencer said that an announcement for tonight’s meeting appeared in the May 6 issue of the *Traverse City Record Eagle*. He was unable to review meeting materials at the Township. Said that Rules of Procedure need to be adhered to.

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

None.

12. With no further business, meeting was adjourned by Walworth at 10:50.

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