

**WEST TRAVERSE TOWNSHIP
REGULAR PLANNING COMMISSION MEETING & PUBLIC HEARING
NOVEMBER 10, 2021**

Chairperson Mooradian called the meeting to order at 7:00 p.m.

Roll Call: Wallin, Repasky, Mooradian, Baiardi, Uutinen, Moore

Absent: Varner

Visitors: Nico Tucker, Brooke Woodham, Michael Woodham, Marci Spencer, Jimmy Spencer, Kristi Hollingsworth, Jim Bartlett, Jim Osetek, Beverly Osetek, Larry Froede, Dave Slifka, Matt Krieger, Joe Graham, Brent Truman, David Lamardie, Paige Fisher

The Pledge of Allegiance was recited by all.

Approve agenda: Mooradian states the case numbers on the agenda were erroneous, the change on the first case is 3-2021 and the second case is 4-2021. **Uutinen moved to approve the agenda as corrected. Seconded by Wallin.**

Vote: All yes.

Public comments: None

Approve minutes: Mooradian states Fisher should be added to the visitors list. **Baiardi moved to approve with the edit of adding Paige Fisher as a visitor. Seconded by Wallin.**

Vote: All yes.

Baiardi makes a motion to open the first public hearing. Seconded by Uutinen.

Vote: All yes.

Mooradian reads the rules for the hearing.

Public Hearing Case 3-2021-Application to Rezone 7481 South State Road from R-1 (Residential) to C-1 (Commercial). Michael and Brooke Woodham present their case...Discuss the property is not useful for residential, because of the terrain of the property. Michael had Benchmark write up a site plan. Michael presents the site plan to the PC about the landscaping to block the storage units from the road. Mooradian states that when we are doing a re-zoning request, we aren't looking at a specific site plan. Mooradian said he appreciates the Woodhams presentation, but when we deliberate this case, he will only be able talk about that a little. Mooradian asked the Woodhams per their application if they are looking for a re-zoning request? The Woodhams said yes. Brooke states that it was suggested that they give their full intent of the use for the zoning, and she states this is their full intent. Brooke states their site plan is exactly what it will look like if they were approved. Brooke and Michael discuss the style, colors of the storage units, and landscaping. Mooradian states that we need to focus on the re-zoning request, he continues and tells the Woodhams that he appreciates their intent, but this is not a site plan

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approval and the focus cannot be on that. Mooradian states that we have to now allow public comment.

Public comments on the case. Mooradian asks if there are any comments of support for this project. None of the audience responded for support. Mooradian states because of the turn out that the limit for public comments is 3 minutes and not to be redundant of the items on discussion. Mooradian states that they have received 12 or 13 letters and the PC has copies. Joe Graham voiced his concern with the project. Jim Osetek voiced his concern with the project. Dave Zehnder voiced his concern with the project. Dave Slifka voiced his concern with the project. Joe Graham reads a letter aloud from his neighbor Elizabeth Sobonya of her concerns with the project. Pierre Bora represents David Hintz who wanted to make sure his letter was received. Mooradian and Wallin stated they did receive it. Beverly Osetek voiced her concern with the project. Jim Roznowski voiced his concern with the project. Baiardi states that we have to put the other letters into public record that wanted to be read. Mooradian addresses some of the letters; Bob and Carolyn Sanford, Jim and Beverly Osetek, Julie Spencer, Stephen Spencer, Roy Martin, Dave and Mary Hintz, Tom and Martha Cook, Mike Donnelly, Caitlyn Donnelly, and the Slifkas. Mooradian states we can touch base with some of these and they will all become part of the record, because they are part of the case. Baiardi states the only ones you specifically must read in are the ones that ask. Mooradian read the letter from Mike Donnelly. Mooradian reads the letter aloud from Bob and Carolyn Sandford.

Motion by Uutinen to close public hearing. Wallin seconds.

Vote: All yes.

The board deliberates the case. Mooradian states the site plan that was presented by the applicant, we need to put out of our minds. Mooradian states we have to focus on the request. Mooradian states he asked Denise Cline 3 questions: 1st – Have you seen the drawing in the application and why is it part of the presentation? Are they asking for a conditional re-zone? Cline told Mooradian she had not seen the drawing, but for re-zoning requests they should not be submitting a site plan, unless it is a conditional re-zoning based on a specific use. The Planning Commission isn't supposed to evaluate the application based on the use the applicant wants to do. They are supposed to evaluate the application based on all uses allowed in the proposed district. The site plan could influence that, so it shouldn't even be part of the meeting, unless the applicant is requesting the conditional re-zoning. Mooradian states we have not been requested to approach it as a conditional re-zoning. Mooradian states that is something we can't, it would have to come from the applicant, and it is not how it was proposed. It was proposed as a straight up re-zone C-1. Mooradian reads aloud comments from Bob Sandford's letter. Mooradian states what he has seen with our C-1 district and some of the changes that took place in 2018 with the restated code allowing storage buildings and mini storages in the C-1 district. Mooradian states he finds that the comments say that not only would granting this request provide no value to West Traverse Township as a whole, but more importantly it would cause significant disruption to the adjacent neighborhood. Mooradian states he thinks it could add value because we don't have storage buildings for small uses. Mooradian states that the other thing is our Master Plan, and although it talks about goals and protecting the rural character of the community, we wouldn't look at a zoning request in the middle of the Township for commercial surrounded by agricultural, that would be considered spot zoning and that would go against the preservation of

the rural character of our community. Mooradian states we are looking at a couple vacant parcels left in the district and again we are a Planning Commission, and we are mandated by the Ordinance to update our Master Plan every 5 years. Mooradian states we took a serious look at that, and we expanded some other areas for residential, a change in density, just as a future idea. Mooradian states we expanded a shaded area north of Points North and north of Hughston Rd., looking into the future for commercial growth, because if there is going to be any commercial growth in the Township it has to happen on the fringes of the district. Mooradian states those are the things we as a Planning Commission need to look at, and we have to make a decision if it fits the criteria. Wallin states that Mooradian is speaking on his behalf, but he remembers when we talked about that Master Plan, he guesses he went along with it. Mooradian and Moore told Wallin he voted no on the last one. Mooradian states he wanted to share that outline so that we are looking at the broad picture of how the Master Plan works and how we have to look at it with this request. Moore states we have a list of criteria and it seems that we have discretion beyond if it meets these criteria. Moore asks if he is correct with that statement? Mooradian states no we do not have discretion, we have to look at it with a broad view. Moore states it does not say anywhere here if it meets these criteria, then it must be approved. Mooradian states these are the criteria we look at to see how it fits into the neighborhood. Moore states even if has not met these criteria in a way, even that doesn't mean we have to approve it, would it? Mooradian states he does not know the answer to that, but he thinks it is mandated. Moore states there is a lot of stuff we can point out in the Master Plan but included in the Master Plan are the minutes from our deliberation and the Boards deliberation and while he agrees that Bob's comments might be hypocritical based on some of his decisions in the C-1. Moore states he and Wallin voted no, but he did agree with everything else except the expansion of the C-1. Moore states that he believes that Wallin did as well. Moore states that Uutinen and Varner ended up voting yes, but they also voiced concerns as recorded in the minutes, specifically about the C-1 expansion. Moore states when it went to the Township Board it was a 2-3 vote. Moore states all of that, based on the minutes, and was because of the C-1 expansion and nothing else, he believes. Moore states there was even public comment from the current supervisor. Moore states he thinks all the public comments were against it. Moore states Joe Graham was there, and he expressed that he did not approve of it. Moore states he did not think there was any public comment that was in support of it. Moore states he walked the property and can't imagine if the PC had walked the parcel, approval would have been given to future C-1 expansion there. Moore states he does not think it makes any sense at all, the topography is insane with very steep slopes and is mostly a mature hardwood forest. Moore states they mentioned a drainage swath going through and believes that is a major portion of the flood plain there. Moore states he thinks it is a major problematic property to view as our best candidate for an expansion of commercial. Moore states it does not make sense to him. Moore states its not like this has been a standing situation for 20 years, it happened 18 months ago and was far from consensus, and this is the biggest turnout we have ever seen, and they are all against it. Moore states it is hard to see that this makes sense at all. Uutinen states let's get back to the original Master Plan and our assignment that was given by the Board is to examine West Traverse Township. Uutinen states he has approached this as where do we go with commercial, if we go south, we go into the city limits, so we are not doing that. The logical direction was to expand north along State Rd. Uutinen states this was a future type of endeavor, looking ahead 20 years was the window they were assigned. What is this going to look like 20 years from now, and we are watching an expansion of residences and population in the township, and he is kind of in the middle of the road right now. Uutinen states his mind is not

made up over this, he understands everybody's points here, and they are all good points. Utinen states he also walked the property, and he agrees yes it may not make sense, but he does not care about that. Utinen states if it happened to be zoned commercial and if it costs whoever owns it a half a million dollars to get it all level and make it look good, then that is out of their wallet. Utinen states he is not so inclined to look at that, but he is inclined to look at the impact with the neighbors, and the noise. Utinen states he is trying not to focus on the site plan. Utinen states he has heard some comments about the noise and whether they are constructing units and having traffic come and go, or you put in 6 residences in there. Utinen states so you will have construction traffic. Utinen states he is a tad bit up in the air about it and is sympathetic to their needs and towards their request. Utinen states he needs more discussion before he can make a vote. Baiardi states that if we are going to consider this for re-zoning, she would also include the rest of the potential area we suggested for commercial to be included at the same time. Baiardi states she would not do just one piece, because she believes that opens problems that you don't want to face. Mooradian states so that would require either the Township requesting that or adjacent property owners jumping on board. Mooradian states one of the questions he asked Denise Cline was why the site plan was included. Mooradian asked if we are to be looking at this case from the conditional standpoint, and the answer was no. Mooradian states typically you see re-zones, and there is also the discussion, so you look at multiple parcels? Or just one parcel? In this case we are looking at just one parcel because that is what the request is. Mooradian states if you drew that line 500 feet or whatever that approximate boundary is and you encompass all of those properties into a commercial district they would become nonconforming houses, and they would not be able to build more houses. Mooradian states that at the end of the day that would require a whole lot of study, and would have to kick it back to the Township. Repasky states he is looking at this like even though it's on the future land use plan, he thinks that it is a planning tool and we have obligation to listen to the residents in the surrounding area, and our township residents as a whole to see how they want to move forward with our future planning issues. Repasky states the Master Plan develops as things get presented, and it's 18 months old as we present this. Repasky states it should be on our comprehensive Master Plan. Repasky states he does not think it is a bad choice to have an expansion with our commercial area, it makes sense from a planning commission perspective. Repasky states but at this point in time with all of the objections, we have an obligation to listen to the residents. Repasky stated we do not make these decisions alone, but try to interpret what residents want. Repasky states the right choice is not to move forward. Mooradian stated there are still a couple parcels left on State Rd. too, and when those parcels get developed this question comes back to us. Repasky states that it almost comes down to being a neighbor's decision. Wallin stated that the Lightfoot property backs up to Franklin Park. Wallin asked "where does it stop?" Mooradian states if you look at our future land use map, it's a planning tool. Repasky stated we always encourage the public's input at every meeting. Mooradian asked if there is any further discussion, or a motion? Moore commented that there is a lot more language in the Master Plan, it tells us we should be conserving, not just protecting open space, and even trying to acquire spaces for the public. Brooke Woodham stated they just wanted what was good for the community. She states putting their project on that property made sense because it backs up to the other commercial properties they wanted as low impact as possible. Finding the space for what they wanted to do is pretty hard to come by in this area. Brooke stated they really wanted to remain within the community. Brooke stated they have heard the community speak, and they definitely do not want to have a negative impact at all. Moore states realistically the reason is due to the overwhelming public

opinion. Mooradian states before voting, that each voting member needs to understand the motion and its affect. Mooradian states this can be done by having the individual make a motion and the person responsible for keeping the minutes will write it out and read it back. Mooradian states we need to consider referencing the reason why. Mooradian asks is it because there are more vacant parcels available? Repasky states it is because of the objection of the neighboring community. Uutinen agrees with Repasky. Mooradian states it could be because of the vacant parcels that are currently available. Mooradian states that could be something to consider. Moore agrees with Mooradian. Mooradian states if you are going to make a motion, you have to have a condition for it. Mooradian tells Moore to read it back to Repasky so that everyone can understand it. Moore reads the possible motion.

Repasky makes a motion to recommend denial of the proposed re-zoning of 7481 S. State Rd., parcel number 16-15-12-100-031. Case number 3-2021, based on overwhelming public comments against the proposed re-zoning, the Planning Commission discussion and the fact there is still vacant property in the C-1 District to develop. Wallin seconds the motion.

Vote: Wallin-yes, Repasky-yes, Baiardi-no, Mooradian-no, Uutinen-yes, Moore-yes

Uutinen makes a motion to open the public hearing for Case 4-2021 Application for a Special Land Use Permit at Pond Hill Farm 5699 South Lakeshore Drive. Wallin seconds the motion.

Vote: All yes

Mooradian goes through the procedure for opening up public hearing. Mooradian states this case is for special use request for Pond Hill Farm for them to include commercial events per our code. Mooradian states this was duly advertised in the Harbor Light the week of October 20th and sent out to the appropriate neighbors.

Jimmy Spencer addresses the Planning Commissioners to present their application for a special use permit.

Public comment open. Matt Krieger is in full support. Debra Monroe is in full support. Kevin Brames is in full support. Teck Cummings is in full support. Molly Hoffman is in full support. Anne Marrell is in full support. David Berryman is in full support. Brent Truman is in full support. David Hoffman is in full support. Audrey Luffgarden is in full support. Julie Parsons is in full support. Rob Dendle is in full support. Marty Letts is in full support.

Mooradian states to everyone that we are here reviewing the commercial events and we need to talk about the case. Mooradian tells everyone that there is a section in our code to allow them to come in and petition this use. The State of Michigan does not allow what they are doing there under The Right to Farm Act. Mooradian states we are helping them and the community. Mooradian states that these rules are here to help the community.

Uutinen makes a motion to close the public hearing at 8:35. Baiardi seconds the motion.

Vote: All yes.

Mooradian explains this is about commercial events and not The Right to Farm Act. Mooradian states the Right to Farm Act does not allow hayrides, gnome trails, cross country trails, wedding tents or school groups. Mooradian states even though they are farm related, they are not protected under the Right to Farm Act. Mooradian states to do those things you need a permit. Mooradian states Tucker was involved with developing the planning report. Mooradian goes over the sections that need to be looked at. Wallin makes a statement about the wonderful things that Pond Hill Farm does for the community but that the Planning Commission needs to make sure things are being done right. Wallin states we have the responsibility for people's safety. The ingress and egress to the farm needs to be addressed for safety reasons. Mooradian discusses the problems with the parking and the flow of traffic into and out of the farm. Repasky discusses the time he went to Pond Hill Farm, the existing site plan, parking, and the ingress and egress.

Repasky makes a comment on the problematic entrance and that it is not in compliance with MDOT standards. He saw the issue firsthand. Marcie Spencer states there have never been any major accidents or incidents at entrance to the farm. Repasky states as a Planning Commission we are looking into the future to make sure no accidents or incidents happen. Repasky states we are responsible for looking at those moving forward as a Planning Commission. Repasky states we do understand having a low accident history is excellent, but that does not mean you continue with the same potential accident circumstances there. Mooradian states since MDOT is not *requiring* the rework of the entrance even though they *suggested* it, the Township can still require that Pond Hill implement the MDOT suggestion.

Tucker discusses his background and the safer options for the entrances. Wallin states why MDOT does not want to touch this. MDOT will give you a recommendation, but the recommendation would be to have shoulders and turnoff lanes, and who is going to pay for it? Wallin asks who is going to widen M-119 as it is a state highway? Mooradian states it would be the developers. Wallin states it would be a very expensive project. Tucker agrees with Wallin about the turn lanes going into Pond Hill Farm that it would also change the character of the road. Tucker agrees with Mooradian that the curve at the entrance is not optimal. Tucker states widening the curve to give people a better chance to pull out may be ideal. An email that the ZA had sent to the Chair regarding the widening of the driveway curve was shared with the commissioners.

Mooradian talks about having the drives improved to a 20–22-foot width, so there are worries about cars going the wrong direction. Repasky talks about the existing site plan because it does not show the secondary entrance. Repasky states he would like an existing site plan that shows it. Repasky states that it shows the overflow parking within the setback limits and he would like it to show that it is not exceeding the setback limits. Repasky continues talking about the parking issues. Mooradian states per the code, if we want to further verify engineering, we can hire out to a third party at Pond Hill Farm's expense. Mooradian states we are just asking them to do it, otherwise we will have to request 3rd party review. Repasky states we have asked that of them. Mooradian agrees. Repasky states maybe we need to make it clearer in the minutes. Uutinen states we need to prepare for all types of situations, and the reason we talked about going in a one-way direction was based on the size of the existing road, and that is what was submitted to us. Uutinen states moving it to a two way is a legitimate thing. Uutinen states if we do it that way then we need to see it on the prints. Mooradian states planning is proactive. Mooradian states

MDOT recommended to close the entrance at the curve and move it to the west. Mooradian states MDOT or ECRC has control over the entrance. The Township just can't be less restrictive than the jurisdiction, whether it be MDOT or Emmet County. Mooradian states whatever we suggest must be equal to or more restrictive. Mooradian states we should give some direction on what is going to be necessary for the accesses. Mooradian states we should look at our Planners recommendations. Repasky states the PC wants to be clear on what they are looking for:

- Evaluate the existing site plan or proposed site plan.
- Overflow parking to meet our current setbacks unless they are asking for a variance on it.
- Show where the setback is and where the overflow parking is, including the secondary driveway.
- The 100-foot setback
- Identify no parking areas.
- Indicate the proposed surface for the pedestrian pathway, making it usable in all weather conditions.
- Label the wells, the distance to the septic fields.

Mooradian states there are so many unanswered questions and there are still more things they need to do before they can add more large gathering events. Repasky states Pond Hill Farm needs to propose something to us that is going to meet the minimum requirements. Jim Palmer, business partner of the Spencers states there has been miscommunication in this process. The list came from the PC and the Spencers feel they checked everything on that list. Palmer states it would have been nice to get this report that everyone is referring to in advance so they could have amended the application. They had no idea of the list until they got here tonight. Mooradian states that the list is pretty clear and the fact that you didn't get it indicates a lapse on the part of the Township.

Moore talks about the importance of the new drawings that look very similar to the previous ones. Repasky asks Spencer to show the ADA compliant parking area on the drawings, even though it is in the 84-page report Pond Hill Farm has submitted. Spencer states that in the 84-page report there are emails coming from the Health Department stating their well and septic field are compliant and all of the setbacks are there. Mooradian states that the drawings do not show the dimension, it just says isolations are maintained. Repasky asked Spencer to add the isolation circle to the site plan, and then we can move forward. Everyone discusses with Spencer where the septic and wells are on the site plan. Repasky asks Spencer to also mark on the site plan where their ADA access route is. Repasky states that their current ADA access route is not compliant. Repasky states Pond Hill needs more than an *opinion* letter or email from Benchmark to say the ADA access is compliant. Repasky states he has asked before at previous meetings for Pond Hill Farm to show spot elevation on parking areas, and ADA accessible route with slopes.

Mooradian asks a few questions he has written down.

- Number of people per events versus the number of farm visitors?
- Frequency of events?
- What differentiates an event from farm business?
- Site plan, existing and proposed?
- Well specifications?

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Mooradian would like a conference call between Tucker, White and Cline about the communication issue. Mooradian states there could be a special meeting with Pond Hill Farm scheduled at the expense of the Township Board. Mooradian states the date will be decided at the December 8th meeting.

**Uutinen makes a motion for Case 4-2021 the application for Special Land Use Permit of Pond Hill Farm 5699 South Lakeshore Drive. The motion is to postpone further deliberation for accurate exchange information for the applicant until the meeting of December 8th. Baiardi seconds the motion.
All in favor. Yes.**

Zoning Administrators report: None

Township Board Representative Report: None

Correspondence: None

Planning Commissioner comments: Dawson talks about an easement for the vacant property on State Rd.

Public Comments: None

Adjournment: 10:00

Respectfully Submitted,

Dawson Moore, Secretary

Transcribed By: Paige Fisher