

WEST TRAVERSE TOWNSHIP
REGULAR PLANNING COMMISSION
WEDNESDAY, MAY 25, 2022, 7:00PM
SPECIAL MEETING

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

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

Visitors: Matt Krieger, Debra Monroe, Dane Slater, Meredith Astrate, Andrew Heffley, Lisa Morse, Tom Blanck, Stephanie Baker, Jimmy Spencer, Jennifer Shaffer, Wendy Wheelen, Anthony Deluca, Jim Palmer...about 60 people in attendance.

The Pledge of Allegiance was recited by all.

Approve Agenda: Wallin makes a motion to approve the agenda as presented. Varner seconds the motion. All yes.

Public Comments: Matt Krieger, Debra Monroe, Dane Slater, Meredith Astrate, Andrew Heffley, Lisa Morris, Tom Blanck, Stephanie Baker, Wendy Wheelen, Anthony Deluca, and Jim Palmer spoke in favor of Pond Hill Farm's case for a Special Use Permit for Commercial Events. Spencer thanks everyone for being there and they all make him feel this is worth it. Spencer states that over the last two years they have worked with the planning commission on the special land use application and the viability of their business relies on the permit being approved. Spencer states they have met all the things that have been asked of them in the last couple of years and they are hoping that the planning commission can make a recommendation and approve the special land use permit. Jennifer Shaffer states she thinks the comments the PC made were insulting. Shaffer commented that the PC stated this is "land use law", "law of the land", as if that has special power over the voice of the people. She states that over 800 people have signed a petition, they have looked over the entire application, they have looked at the site plan, and they want it approved. Shaffer states that this is only a special use permit at this time because the board created it. Shaffer goes on to talk about the cease and desist order the ZA gave in 2020 and that the board also created the commercial events facility special ordinance. Shaffer does not believe that any other entity or business operation in the Township falls under the special new ordinance of the commercial event facility. Shaffer believes the only reason this is called a special use is simply because a new ordinance was created, and the Spencers have jumped through hoops to justify what they have already effectively done. Shaffer states the only way people can continue to enjoy Pond Hill Farm is if they continue to do the special events that they have been doing for over 15 years.

Old Business:

- a. Case 04-2021-Special Use Permit for Commercial Event Facility, Pond Hill Farm 5699 S. Lakeshore Drive, Parcel ID 16-12-32-200-002, 16-12-32-200-004, 16-12-33-100-001 – Mooradian introduces part of the special events section of the Planner's report. Shaffer interrupts and asks if this is the Planner's report that was provided to the

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Approved: June 8, 2022

applicant? Jake states that there is a public copy that is available at the Township but not sure if it was available online. Mooradian asks Jake about the most recent planning report provided by Cline dated May 13th, and if it has been forwarded to the applicant? Jake states he believes that the applicant has received the report prior to the final submission of the site plan, but he states there may have been a few changes to the report since then. Mooradian talks about this section of the code. Mooradian asks Spencer if he has a copy of the Planner's Report that was forwarded to him. Shaffer states they did not receive the report. Jim Palmer stands up and states he is part of the applicant's group and states this is the second time he is flabbergasted that they have not gotten the report in time for them to be prepared for the meeting. Palmer states the same thing happened two meetings ago. Mooradian explained there is a Planner's Report and that there were a couple edits after Pond Hill Farm submitted some things on May 3rd. Mooradian states the report that was prepared after Pond Hill submitted their stuff was emailed to Spencer. The Spencers stated they did not get it. Shaffer asked for an extra copy of the report so they could look it over. Mooradian states that it is a list of the sections 504, 604, and 733, and the Planner makes comments on the submittal. Mooradian states it is up on the screen and that everyone will go through it. Mooradian is going over the submittal requirements and new information that has been discovered in the last week. Mooradian quotes the report from the Planner that the applicant did not submit a pertinent document at the proper time. Mooradian states that it was the Conservation Easement which puts some restrictions on the farm. Mooradian states that "this is an important part of the review because it changes your site plan substantially." Mooradian states they were just made aware of that recently. Mooradian states he has a copy of the Conservation Easement he can put on the screen for everyone to see.

Mooradian commends Spencer and what he has done with the Conservation Easement, but he has a responsibility to provide that information to the PC. Mooradian states that Spencer did not donate the property to the Conservancy, but he sold his development rights. Mooradian states "now we look at how this affects your request to us." Mooradian states the PC now has to look at something they weren't aware of but of which the Spencers had full knowledge.

Uutinen talks about the agreement with the Conservancy. Uutinen specifically talks about any commercial activities being prohibited, but also reads off the exemptions from the list.

Repasky goes over the Conservation Easement. Repasky is talking about the clarification of the Easement and where the proposed commercial parking is on the site plan and moving the exit and entrance per MDOT's recommendations. Moore states the Conservation Easement covers the west entrance. Wallin states he was taken aback and didn't know about the Conservation Easement. Wallin states he is ready to move forward with this and that the driveways can be moved about 20 ft, and it's not our job to enforce the Easement. Moore reiterates section 733 "d" of the code and that the code states there must be certification. Moore talks about the Conservation Easement and how it disallows commercial activities. Moore states per the site plan, Pond Hill Farm intends to put in

driveways and roads which violates the Conservancy aspects of the Easement, and it is very concerning. Varner agrees with Moore.

Mooradian goes over the site plan/map of PHF. Mooradian asks Spencer to explain the Conservation Easement. Spencer states that they grow crops on the fields, and the cars parked on there because of how busy they got. Spencer states he never thought that parking on a crop field eight days out of the year would be a problem if they get written approval from the Conservancy. Spencer states they can move parking to different fields if it is a problem. They have written approval from the Conservancy to do so. Mooradian talks about the commercial use in the agricultural district and that it is not grandfathered in. Commercial events have never been allowed. Mooradian states we created an avenue for your farm to thrive. The Conservancy recognizes the fall festival, just not all the other events that Pond Hill wants to provide. Mooradian states that PHF fall festival is beyond the Township zoning code and they can't do this with a special use permit. Mooradian states there must be limitations on the special use permit. Mooradian asks Spencer if he understands what he is saying. Mooradian goes over the special use permit capacity and the parking. If parking is seasonal then the PC must strike that from their review. Spencer states that is all news to him, and states they will start working on a new parking plan. Moore questions whether the PC has the ability to approve an entrance. Roads and parking are controlled by the Easement. Repasky reads from the Conservation Easement. Repasky talks about MDOT's recommendations and questions how they would comply with the Conservation Easement. The PC deliberates about the parking situation and the egress and ingress. Mooradian states we need to come up with something for the evening events and weddings. Mooradian asks the PC what they are thinking. Mooradian asks Jake about the approval from MDOT. Mooradian states the code dictates they must have two egresses, but the PC can waive that condition. The Conservancy must approve for Pond Hill Farm to use the west end as an emergency exit. Spencer talks about the use of the other exit that is not used all the time. Mooradian talks about the Zoning Ordinance and the parking situation. Mooradian states you can always ask for an amendment in the future. Mooradian states you can't have a 700+ event because that is not within code, because you only have the capacity for 300 people. Mooradian talks about Spencer's day to day activities and the parking situation. Mooradian talks about the waiver for the second egress and whether or not that is needed for normal day to day operations.

Mooradian made a motion to allow a 5 min adjournment. Uutinen seconded the motion. All yes.

Mooradian made a motion to resume the meeting. Varner seconded the motion. All yes.

Mooradian states "we are going to go through this report right now, we have talked about the site plan, so we know we are going to be striking the western portion that is affected by the Conservation Easement."

Refer to Planner's Report for details on all standards.

Moore made a motion to recommend approval to the West Traverse Board of the page 1 legal description dated 01/18/2021 and the site plan page 2 dated 1/18/22, Special Land Use application for Pond Hill Farm for a Commercial Event Facility, case# 04-2021 at 5699 S. Lake Shore Dr., tax parcel #16-12-33-100-001, 16-12-32-200-002, 16-12-32-200-004 and 06-12-28-300-003, based on the findings of fact contained in report 01-2022, Planner memorandum dated 5/24/22 and PC discussion, and to allow a deviation in operating hours from 9am to 11pm and a deviation in hours of amplified sound from 12pm to 11pm, and a deviation from ingress/egress from the two that are currently required, to one, with the following conditions: a deviation of operating hours and a deviation of amplified sound shall be permitted for one year from the issuance of the zoning permit. After one year the Planning Commission shall reevaluate these deviations and determine if any negative effects have occurred, if no negative effects have occurred the Planning Commission may extend this deviation to a future date or indefinitely. No public hearing or amendment of the special land use permit is required for this one-year review. The emergency access road shall be developed to a width of fifteen (15) feet with eight (8) inches of 22A compacted gravel. All interior roads shall accommodate two-way traffic; no overnight parking by patrons shall be allowed on site; staff shall be trained in CPR; applicant shall comply with West Traverse Township outdoor gathering ordinance when applicable; applicant shall remain in compliance with all other permits including, but not limited to Health Department Regulations, building code, and Easement restrictions; visitor patron numbers of the facility shall remain within occupancy limits based on available parking, available septic capacity, and building occupancy code; applicant shall obtain an updated MDOT permit to work in the right of way for the proposed main entrance improvement, all requirements of the MDOT permit shall be met and are to be kept on file in the Township records; applicant shall provide to the Zoning Administrator, an occupancy permit from the Emmet County Building Department as proof of compliance with building code and occupancy limits and it is to be kept on file in the Township records; applicant shall provide to the Zoning Administrator, proof of compliance with all ADA requirements for parking lots, pedestrian pathways, and buildings which is to be kept on file in the Township records. This includes the number of parking spaces in relation to the total number provided and a maximum two (2) percent slope in all directions and an accessible route with a max 1:12 slope and a firm, stable, slip resistant surface. Applicant shall provide to the Zoning Administrator a copy of the license from the Michigan Liquor Control Commission and any parameters in affect to be kept on file in the Township records. Sanitary facilities shall be adequate for the number of visitors and employees on site and continued compliance with the Health Department standards shall be required. A letter from the neighbor allowing access to the northern 40-acre parcel, #06-12-28-300-003; all parking, driveways, interior roads, pedestrian pathways, lighting and signs for commercial use be stricken from the site plan wherever overlap with the Conservation Easement occurs.

Uutinen seconds the motion.

Roll call: Repasky-yes, Wallin-yes, Moore-yes, Uutinen-yes, Varner-yes, Baiardi-yes, Mooradian-yes

Public Comments:

Next Regular Scheduled Meeting: Wednesday June 08, 2022 at 7:00 p.m.

Adjournment: Mooradian adjourns the meeting at 10:43pm

Respectfully Submitted by:

Dawson Moore, Secretary

Transcribed by:
Paige Fisher