

WEST TRAVERSE TOWNSHIP

SPECIAL BOARD MEETING

Tuesday, June 21, 2022

6:00 PM

AMENDED MINUTES WITH SUGGESTIONS (IN CAPS) BY BARTLETT

Supervisor Bartlett called the meeting to order at 6:00

Roll Call: Green, Mooradian, Hollingsworth, Bartlett, Baiardi

Visitors: Paul Mooradian, Amy Peters, Jimmy Spencer, Marci Spencer, Nina P., Greg P., Debra Monroe, Jennifer Schaffer, Carolyn Sandford.

The Pledge of Allegiance was recited by all.

Action items:

A. Pond Hill Farm Special Use Permit recommendation. Bartlett talks about the memorandum in everyone's packets from the Planner, Denise Cline. Cline lays out what the obligations are to review for Pond Hill Farm's request for a Special Use Permit. Bartlett also discusses the findings of facts sheet included in the Board's packet. Bartlett states he had a question about the emergency exits. Bartlett states he knows they are using the east entrance as the main entrance and exit for the farm. Bartlett states that it is mentioned the west entrance could be used for an emergency exit. Bartlett asks Jake "we know that the east entrance is the main one and that is part of the motion that was approved, so is there any work that the applicant has to do on the emergency (or west) exit?" Jake states the code requires at least one of the exits must be suitable for emergency vehicle use. Jake states the findings of fact show the recommendation from the Planning Commission and indicate the Board would need to formally waive the requirement for two exits as the Planning Commission had done. Bartlett states his confusion with the second exit and why it is still there if the PC had granted a waiver? Bartlett states "that was taken out of the Planning Commission motion but not removed from the findings of fact. Jake states that it could be because the east ingress/egress point doesn't meet the standard. Jake states if it were to be used as the main emergency exit, it does meet the standards of the 15' width with 8" of compacted gravel. Bartlett asks if the emergency access road is part of the Board's approval or is it just ancillary to this? Jake states how the code is written that two are required and the information provided today there is currently one ingress/egress. Jake continues that the findings apply to that one point. Bartlett states that his second question is with the ADA Handicap Accessibility. The Planning Commission requested additional information on how the applicant intends to meet ADA standards. Bartlett talks about the memo from Brian Nolan, PE at Benchmark Engineering dated May 26. Bartlett reads the memo. "It is my opinion that access to the various public buildings, outdoor amenities, and attractions are ADA accessible." Bartlett asks if that what is being looked at for the additional notes? Jake states the material submitted to Brian Nolan was what was currently onsite. Cline had provided information from the applicant regarding how they would attempt to address some of the concerns of the PC and ADA. Jake

continued that the applicant plans to move forward with the gravel from the roads being used for some pedestrian pathways and that they would install ramps to the farm market at the lower level near the east parking lot and making it accessible to the café. Jake discussed Cline's memo about certain events that could happen on the property, which would require some ADA restrooms onsite. Jake states that the applicant has said they will provide training on ADA for their staff. Bartlett rephrases his question to Jake "What else would the applicant need to do to become ADA compliant to meet the Planning Commission requirements?" Jake states he does not think he can answer that question. Bartlett asks Jake if the memorandum from Brian Nolan is the answer to the Planning Commissions requirements? Bartlett asks what is the next step then? Bartlett states that Brian Nolan is a licensed engineer, and he has done an assessment on Pond Hill Farm, and he has offered his professional opinion. Hollingsworth asks if it has to be certified? Jake states there is a difference between an opinion and a certification, and there was not really a formal assessment performed by the engineer, hence that is why it is not certified. Bartlett asks what else has to be done for Pond Hill to meet the requirements of the recommendation from the Planning Commission that we are acting on tonight.

Jennifer Schaffer speaks and states the report the Board has with the additional ADA requirements, PHF had not seen before the last meeting. She states the Spencers think the extra requirements are quite burdensome. Schaffer asks if they could have the recommendation from the engineer as to whether Pond Hill is ADA compliant with regard to the areas that is to be used as a commercial event facility? Schaffer asks the Board if that is the only condition? If they confirm with Brian Nolan that they still are ADA compliant, will that eliminate the need to provide anything more detailed or specific in the condition itself? She believes that is where everyone is getting out of their wheelhouse. Bartlett states he has talked to Joel Wurster, the Township Attorney, and his comment was the conditions or concerns in the Planning Commission motion, were answered by Brian Nolan's memorandum dated May 26th. Mooradian states that Nolan's letter should be certified. Paul Mooradian states that this memo is an opinion and is not a certified statement from the engineer. Schaffer states that the statements in the conditions came from a Planning Commissioner and not a certified engineer. Schaffer believes that we are going beyond everyone's expertise and there should be specifications in the conditions. Mooradian agrees but it still should be certified. The Board and the public continue to discuss.

Bartlett goes to page 14 to Cline's example motion. Bartlett states he has talked to the Planner, and she feels item "f" should be struck. Bartlett states "because we did not get to the original limit of the application, which was 999 due to the lack of parking because of the Conservation Easement." Schaffer believes there may be a mistake in the number of parking spaces allowable. She thinks they are basing it on 75 which is the main part of the parking lot, but she states there are also 20 more for employees. Schaffer states she thinks they were trying to say 4 people per parking spot in the ordinance. Schaffer just wanted to clarify that there are still 20 more parking spots on top of the 75. Bartlett states that changing the number of people would be problematic since the Planning Commission approved 300 people or 75 parking spaces. Bartlett lets Spencer know that he could always resubmit a new application to the Planning Commission if he wants to change the number of parking spaces. The Board discusses item "n" and decides to strike it since the trail is not used for commercial use, which would get rid of parcel # 06-12-28-300-003 because there would be no way to access it. Jake states he wants everyone to be clear that if they

strike “n”, it will strike parcel # 06-12-28-300-003 from the special use permit. The Board still agreed to strike item “n”.

Bartlett makes a motion to approve the site plan page 2, dated 1/18/22 as noted by WTT-PC on 5/25/22 and Special Land Use application for Pond Hill Farm for a Commercial Event Facility, Case #04-2021, at 5699 South Lakeshore Drive, Parcel #'s 16-12-33-100-001, 16-12-32-200-002 and 16-12-32-200-004, based on the findings of fact contained in Report 01-2022, Planner Memorandum dated 5/24/2022, and Township Board discussion, and to allow a deviation in operating hours from 9 am to 11 pm and a deviation in hours of amplified sound from 12 pm to 11pm, and a deviation of ingress/egress points from two to one with the following conditions:

- a. The deviation in operating hours and the deviation in 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.
- b. Emergency access road is 15 feet wide with 8 inches of compacted gravel.
- c. All interior roads shall accommodate two-way traffic.
- d. No overnight parking by patrons shall be allowed on-site.
- e. Staff shall be trained in CPR.
- f. Applicant shall remain in compliance with all other required permits including but not limited to Health Department regulations and Building Code. Applicant shall remain in compliance with all Easement restrictions.
- g. Visitor/patron numbers at the facility shall remain with occupancy limits based on available parking, available septic capacity and building occupancy code.
- h. 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. (To be kept on-file in the Township records)
- i. Applicant shall provide, to the Zoning Administrator, occupancy permits from the Emmet County Building Department as proof of compliance with building code and occupancy limits AS DETAILED ON THE SITE PLAN. (To be kept on-file in the Township records)
- j. Applicant shall provide, to the Zoning Administrator, proof of compliance with all ADA/handicap accessibility requirements for parking lots, pedestrian pathways and buildings, (to be kept on-file in the Township records). This includes the number of parking spaces in relation to the total provided and a maximum 1:12 slope and a firm, stable, and slip resistant surface. A STAMPED, SIGNED LETTER FROM A REGISTERED PROFESSIONAL ENGINEER SHALL PROVE SUFFICIENT TO MEET THIS REQUIREMENT.
- k. Applicant shall provide, to the Zoning Administrator, a copy of the license from the Michigan Liquor Control Commission and any parameters in effect. (To be kept on-file in the Township records)
- l. Sanitary facilities shall be adequate for the number of visitors and employees on-site and continued compliance with Health Department standards shall be required.

- m. All parking, driveways, interior roads, pedestrian pathways, lighting, and signs for commercial use to be stricken from the site plan wherever an overlap with the Conservation Easement occurs.

Green supports the motion.

Roll call: Green-yes, Mooradian-yes, Hollingsworth-yes, Baiardi-no, Bartlett-yes

Public Comments: Bartlett talks about Carolyn Sandford's letter written to the Board. CAROLYN SANDFORD SPOKE ON THE HERITAGE HIGHWAY'S CONCERN FOR THE TRAFFIC THEY BELIEVE POND HILL GENERATES. DAWSON MOORE STATED HE DOESN'T RESPECT THE TOWNSHIP ATTORNEY'S OPINION AND RECOMMENDS THE BOARD HIRE A NEW ATTORNEY. Debra Monroe, Pond Hill Farms event coordinator, spoke in favor of Pond Hill Farm AND THE DIFFICULTY OF WORKING WITH THE PC AS THEY WENT THRU THE PROCESS.

Board Comments: None

Supervisor Bartlett adjourned the meeting at 7:04 p.m.

Respectfully Submitted by:

The Board

Transcribed by: Paige Fisher

Proposed: June 21, 2022

Accepted: August 9, 2022