

**WEST TRAVERSE TOWNSHIP
PUBLIC HEARING & REGULAR PLANNING COMMISSION MEETING
FEBRUARY 5, 2020**

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

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

Visitors: Joe Graham, David White, Sue Matsko. Denise Cline, Planner, via phone.

The Pledge of Allegiance was recited by all.

Approve Agenda: **Uutinen made a motion to approve the agenda as presented. Moore seconded the motion.**

Vote: All yes.

Public Comments: None.

Approve Minutes: **Uutinen made a motion to approve the January 8, 2020 meeting minutes as presented with the following changes: Page 2, 3rd paragraph, delete “Commercial Event Facilities” and replace with “Table of Permitted uses and Special Land Uses” ; Change the 5th sentence to read “Agri-Tourism does not have its own category in Article 7”. The following sentence should read: “It is treated as a Site Plan (Section 504) and a Special Use (Section 604)”. Repasky seconded the motion.**

Vote: All yes

Public Hearing on Proposed Zoning Ordinance Amendments: The Public Hearing was opened at 7:12 p.m. The Public Hearing was advertised in the local paper. The proposed zoning amendments are as follows: Amend Section 202 (Definitions), Section 305 (Table of Permitted Uses and Special Land Uses) and Section 733 (Commercial Event Facilities) to allow commercial event facilities and wineries, cideries, distilleries and breweries and to provide standards. Amend Section 305 to add /allow Agri-Tourism businesses. Amend Section 202, 305 and 734 (Solar Energy Facilities) to provide standards for solar energy. Amend Section 202 and 407 (Accessory Buildings) to address attached structures, common walls, decks, shipping containers and accessory buildings. The Planning Commission has been working on these ordinances since 2019.

Ordinance No. 1 of 2020 is regarding the Commercial Event Facilities and Agri-Tourism. Joe Graham asked whether this amendment would have any affect on current businesses such as Pondhill Farms. Mooradian stated that it is intended for anyone in that type of business so there is a good guide for the community. It is not directed to anyone personally. Baiardi said that

Proposed: February 5, 2020

1

Approved: May 13, 2020 with one correction: Page 4, second line at top of page: Change *Board of Review* to *Zoning Board of Appeals*.

West Traverse Township
Public Hearing & Regular Planning Commission Meeting
February 5, 2020

more of these types of businesses are cropping up and becoming more prevalent. Michigan Township Association provided information in regards to the fact that townships may want to have some kind of control over these types of businesses so they don't get out of hand. The Zoning Administrator, Dave White, said that he has received multiple questions regarding people wanting to establish these types of businesses in West Traverse Township. Moore pointed out that this ordinance will set up a frame work to actually allow these businesses, because they are not allowed due to the fact that it is not listed in the current Zoning Ordinance. Mooradian agreed that if there is not a similar or specific use allowed, then it would technically be disallowed.

Ordinance No.2 of 2020 is regarding Solar Energy Facilities. Mr. Graham had a question regarding the yard location and setbacks. He wanted to know why ground-mounted or pole-mounted solar energy panels were excluded from the front yard. Mooradian said that they thought part of the reason was aesthetics, but more detail of reasons would be discussed during the regular meeting after the Public Hearing was closed. Graham asked Denise Cline if the ordinances that she has been involved with usually restrict solar panels in the front yard. She stated that it does happen, but all communities are different so there are different restrictions. Graham also questioned the section which refers to glare from the solar panels. He didn't think it was very specific. Mooradian had a picture of solar energy panels in someone's front yard. He used this as a demonstration of what they could look like and stated that they are treated as structures since they are mounted to the ground.

Ordinance No. 3 of 2020 is regarding Accessory Buildings and Definitions. Mr. Graham asked what kind of materials were being referred to in 407:1 where it states that non-rigid materials to serve as walls or roof shall not be permitted. He wondered if structures that are used to store a car under would be what is being talked about. Mooradian said that something like people stacking pallets and covering them with a tarp is one scenario that is being referred to. Moore pointed out that it is not just little garages, there are large, several thousand square foot structures that are not subject to building codes and are covered by some type of fabric. Mooradian said that there are temporary structures and permanent structures. They don't want to see something that is going to be easily damaged by the wind or weather. Graham said that he could understand the problem of non-rigid materials on a large building, such as noise and poorly maintained buildings. He thought that the \$300-\$500 carports are in general put together pretty good. He said that a lot of people are not able to afford to put up a garage, so he thought that the less expensive carports would be a good option. He felt that limiting these due to non-rigid materials is very broad. Possibly it could be narrowed down to be a little more specific. Mooradian pointed out that the County Building Department has to issue a building permit for anything over 200 sq. ft. He said that the Township

Proposed: February 5, 2020

2

Approved: May 13, 2020 with one correction: Page 4, second line at top of page: Change *Board of Review* to *Zoning Board of Appeals*.

does not want to approve something that does not meet the County building code. Graham said that he can understand applying this ordinance to something over 200 sq. ft. The Public Hearing was closed at 7:40 p.m.

OLD BUSINESS

Ordinance No. 1 of 2020 (Table of Permitted Uses and Special Uses, Commercial Event Facilities): Mooradian pointed out a couple of typos and Denise Cline will fix those.

Moore made a motion to recommend adoption of Ordinance #1 of 2020, to the West Traverse Township Board pending comments from the Emmet County Planning Commission. This is: “ An ordinance to amend the West Traverse Township February 13, 2018 Zoning Ordinance Section 202 (Definitions), Section 305 (Table of Permitted Uses and Special Land Uses), Section 306:2 (Agricultural and Forest District), 309:2 (Commercial District), 310:2 (Light Industrial-Commercial District), and Section 733 (Commercial Event Facilities) to allow Commercial Event Facilities in the A-1/A-1-A and C-1 Districts); to allow Wineries, Cideries, Distilleries, and Breweries in the A-1/A-1-A, C-1, and I-1 Districts; to allow Agri-Tourism in the A-1/A-1-A District; and to provide for standards for Commercial Event Facilities.”

Baiardi seconded the motion.

Roll Call Vote: Repasky – yes, Moore – yes, Uutinen – yes, Varner – yes, Baiardi – yes, Mooradian – yes.

Ordinance No. 2 of 2020 (Table of Permitted Uses and Special Uses, Solar Energy Panels): Repasky stated that his recollection of the discussion regarding solar panels is that it was somewhat based on the number of panels needed so that it would be efficient for the person using them. He said that it could become extremely large and so that was one of the reasons for determining that the front yard would be excluded for solar panels. Another reason was the glare factor which could be a safety issue with a large number of panels in the front yard. He also agreed that the glare factor is only occasional. Cline stated that wording in the amended ordinance states that there “shall” be no glare, so that means no glare at any time. Repasky said that the Planning Commission agreed on that language because the “occasional” glare would not be enforceable and it could be a hazard to drivers. Uutinen stated that part of the rationale for front yard solar panels was the fact that they could be mounted on the rooftop or the front of the house and that would eliminate a lot of the problems. Cline pointed out that freestanding solar panels are a Special Use Permit so there would be a lot more discussion regarding those, including glare.

Repasky pointed out that there are some homes that are placed very far back off the road, so there is the question as to whether they should be denied the opportunity to put solar panels in the front yard. Baiardi stated that the Planning Commission did discuss this particular situation at prior

Proposed: February 5, 2020

3

Approved: May 13, 2020 with one correction: Page 4, second line at top of page: Change *Board of Review* to *Zoning Board of Appeals*.

West Traverse Township
Public Hearing & Regular Planning Commission Meeting
February 5, 2020

meetings. Mooradian said that any ordinance can be amended at some time in the future if circumstances change. Uutinen pointed out that anyone can take a petition to the ~~Board of Review~~ *Zoning Board of Appeals*.

Moore made a motion to recommend adoption of Ordinance #2 of 2020 to the West Traverse Township Board pending comments from the Emmet County Planning Commission. This is: “An ordinance to amend the West Traverse Township February 13, 2018 Zoning Ordinance Section 202 (Definitions), Section 305 (Table of Permitted Uses and Special Land Uses), and Section 734 (Solar Energy Facilities – Utility Scale or Commercial) to provide standards for solar energy.”

Uutinen seconded the motion.

Roll Call Vote: Baiardi – yes, Varner – yes, Uutinen – yes, Moore – yes, Repasky – yes, Mooradian – yes.

Ordinance No. 3 of 2020 (Accessory Buildings): Denise Cline said that the idea of not wanting soft materials is like not wanting tarps. Repasky stated that they are talking about materials that could be damaged by the environment and probably would not be replaced or meet building codes. Mooradian said that a lot of these structures would not meet building codes. Repasky said that even in discussing small structures, it comes down to safety. He said that there is not a lot of regulation on non-rigid materials. Mooradian pointed out that hoop houses are exempt if they are on agricultural property and have a legitimate right to farm use, not personal use. Mr. Graham said that he is looking at someone who just wants to be able to put up a small non-rigid structure to be able to shelter their car inside it, probably because they can’t afford to actually build a garage. Mooradian asked whether a minor accessory building would be exempt from the non-rigid material. Repasky said that he thinks the intent of not permitting non-rigid materials was for accessory buildings, not the size of the accessory buildings.

Uutinen made a motion to recommend adoption of Ordinance #3 of 2020 to the West Traverse Township Board pending comments from the Emmet County Planning Commission. This is:

“An ordinance to amend the West Traverse Township February 13, 2018 Zoning Ordinance Section 202 (Definitions) and Section 407 (Accessory Buildings).” Varner seconded the motion.

Roll Call Vote: Repasky – yes, Moore – yes, Uutinen – yes, Varner – yes, Baiardi – yes, Mooradian – yes.

NEW BUSINESS

Proposed: February 5, 2020

4

Approved: May 13, 2020 with one correction: Page 4, second line at top of page: Change *Board of Review* to *Zoning Board of Appeals*.

West Traverse Township
Public Hearing & Regular Planning Commission Meeting
February 5, 2020

Ordinance No. 4 of 2020: Ordinance to Amend the West Traverse Township Zoning Ordinance Section 202 (Definitions) and Section 712 (Wireless Communications Support Structures):

There was some discussion regarding Cell Tower Support Structures and Small Cell Wireless Facilities. Denise Cline stated that she thought the majority of these structures would end up in the road right of way, so the Township would not really have to deal with them. If they are not in the road right of way, the Township can decide where the structures could be erected. It was pointed out that the Township does not have any say in the zoning. Cline will look into the State law to see if there is any wording regarding limiting the height of the structures. There were also questions about the health affects of these structures. It was agreed that the Planning Commission does not have enough information at this time for further discussion. This will be looked at again after Denise Cline has more information to provide.

Zoning Administrator's Report: Dave White presented his written report.

Township Board Representative Report: No report.

Correspondence: Mooradian presented an article that states that a grandfathered use is more correctly known as a lawful nonconforming use. To be a lawful nonconforming use, the use must have predated the zoning regulation and it must have been established lawfully at such time. Mooradian stated that an ad in the paper says the Township Board is seeking proposals from architects and other qualified persons to develop a plan for renovating the exterior of the Township hall. Mooradian said that he wants to order a webinar through MTA to be viewed at the next meeting of March 4, 2020.

Planning Commissioner Comments: Baiardi asked who would be attending the meeting on March 31, 2020 at Littlefield Township, to be put on by the County about Risk Management.

Public Comments: Joe Graham thanked the Planning Commission for letting him be a part of the process in this meeting.

Adjourn: **Repasky made a motion to adjourn the meeting. Mooradian adjourned the meeting at 8:57 p.m.**

The next regularly scheduled meeting will be March 4, 2020 at 7:00 p.m.

Proposed: February 5, 2020

Approved: May 13, 2020 with one correction: Page 4, second line at top of page: Change *Board of Review* to *Zoning Board of Appeals*.

West Traverse Township
Public Hearing & Regular Planning Commission Meeting
February 5, 2020

Submitted by:

Dawson Moore, Secretary

Transcribed by:
Susan Matsko
Township Secretary

Proposed: February 5, 2020

Approved: May 13, 2020 with one correction: Page 4, second line at top of page: Change *Board of Review* to *Zoning Board of Appeals*.