

**WEST TRAVERSE TOWNSHIP
REGULAR PLANNING COMMISSION MEETING & PUBLIC HEARING
APRIL 14, 2021**

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

Roll Call: Repasky, Varner, Utinen, Mooradian, Baiardi, Wallin, Moore.

Visitors: David White, Tracy Beckley, Nancy Sarowski, B.J. Tally, Mark Preneville, Richard Thomas, Eric Nordman.

The Pledge of Allegiance was recited by all.

Approve Agenda: **Utinen moved to approve agenda with no corrections. Seconded by Wallin.**

Vote: All yes.

Public Comments: None.

Approve Minutes: **Utinen moved to approve the March 10, 2021 meeting minutes. Seconded by Baiardi.**

Vote: All yes.

Public Hearing for the preliminary review of a Special Land use Permit and PUD Amendment for a condominium Development (The Ridges of Birchwood Parcel # 16-12-33-200-009 and #16-12-33-200-010): The Public Hearing was opened at 7:03 for case 2-2021. The hearing date was published in the Harbor Light newspaper on March 31, 2021 and a notice put on the website. White gave an introduction saying the project contains seven structures, containing 20 three bedrooms units, and that the project will need their own PUD which will be addressed in the final review.

Thomas, the developer, also gave an introduction of the plan. They are planning 20 Units within the Birchwood PUD. He reported these were allowed under the Cottages condominium concept and there is no change in density. Each unit is about 2100 square feet and all have individual driveways. Nordman, project engineer, added they will tie into the Birchwood water system and will be served by a private community waste water system. He had a question whether this project needs a PUD since it is part of Birchwood PUD.

Mooradian clarified yes, they are a site condominium inside the Birchwood PUD. He referenced the last paragraph of section 504 and said any amendment to a PUD has to follow the procedure of a regular PUD from a review standpoint. This project is a capsule within greater Birchwood PUD. When they work through final sections of the code, they will see a lot will not apply. Our planner will report what is not applicable. Mooradian continued the final review is more comprehensive and it is important that Birchwood follows Sec 727:11. For example, Mooradian continued, in the final review the storm water plan needs to meet requirements for a 50-year storm.

Sarowski, President of Birchwood Board of Trustees, reported that their board approved all this and have no objection to what has been presented. Mooradian reported he passed onto the

Proposed: April 14, 2021

Approved: May 12, 2021 as corrected

Planning Commission the email exchange between Sarowski and Mooradian so they knew the Birchwood ACC comments to date.

B.J. Tally, resident of Birchwood, asked when would be the final review and if developer can do work before approval. Mooradian said no excavation done prior to a zoning permit, although Birchwood could allow tree cutting. The final review will occur at the Township Board meeting once the Planning Commission has recommended the plan for approval. Answers to any engineering questions must be received in time to do a 15-day notice. The planner also needs time to do her work. Special meetings are an option. Three steps in process: 1) preliminary review, 2) final review, 3) recommendation to Township Board. The Health Department must also approve the plan. Mooradian understands this to be at the state right now.

Mark Preneville, resident of Birchwood, had no questions.

Public hearing closes at 7:16 pm.

Old business: Case 1 -2021 Special Land Use Permit, Allowing Pond Hill Farm to Operate a Commercial Event Facility postponed to allow the applicant more time to provide additional information as required. Motion to postpone by Wallin. Seconded by Uutinen. Vote: All yes.

Mooradian made an update to the members: Pond Hill is working on the MDOT requirements, the interior roads and health department items. He sent an email to Pond Hill clarifying what needs to happen and Dave White reported he had gone over the same on a phone call. Wallin had a question about easements and Mooradian responded he felt it was completed with document number 6 of their packet, the Grant of Non-Exclusive Easement for Ingress, Egress and Utilities. Mooradian said he is waiting on a letter from the Health Department regarding the septic to clarify the capacity for the number of people per day. At the next meeting items such as sound, extended hours and parking lot setbacks will be discussed.

Repasky wants to be clear about what we want from applicant. He believes the Planning Commission needs to know the following:

1. What is the capacity of the existing drain field? What is the number of people it can support?
2. What is the geometry of the drain field? Which well is the primary and which is for irrigation? Are both wells potable? The septic plans need to show the water wells to be sure they have a 75 feet isolation distance.
3. The geometric plan of the roadway needs to show the width and the support for the weight of the firetruck. The fire chief's comments from last meeting were not meant to be taken as the standard for which this should be based. The plan also needs to show transportation modes and traffic patterns.
4. The plan needs to follow state and local codes for ADA compliance. Locally the ICC Accessibility Compliance Requirements have to be complied with and plans must be accepted and approved by the building department. The plan needs to show the parking spots, minimum and maximum slopes, and grades that go from parking lot to buildings to ensure compliance.
5. The Planning Commission needs to see the lighting pattern for pedestrian movement paths and the illumination boundary of the lighting fixtures. Dave White shared outdoor lighting standard 408.2. Currently the lights shown are shielded and downward.
6. The Planning Commission will need to see the full site plan to see parking and right of ways to analyze the parking variance request.

New Business: Case 2-2021 Special Use Permit and PUD Amendment for Condominium Development (The Ridges of Birchwood).

Mooradian reported that the density is 20 units which is allowed. Site Plan and Special Use Review Report, Sec 506, Sec 604 and Sec 727 were reviewed and discussed as referenced in Planner's report #03-2021.

Section 506

Item A & B. Driveways: Typo in report – the driveways face Fairway, not Greenway. The Planning Commission wants to encourage shared driveway. Topics of discussion included the number of driveways, the fact that there is five feet between some drives, snow removal, the need to back out versus having a turn around and whether the project is in harmony with rest of neighborhood. Thomas reported the drives are designed this way to eliminate neighbor conflicts regarding parking, ability to park in the drive versus the street and to provide green space for water runoff. Baiardi said she did not like the look of so many driveways and also expressed safety concerns about backing out. Varner wondered about the possibility of auxiliary parking on the other side of the road. The last unit near Greenway has a different drive configuration. Sarowski confirmed the association approved this plan as is and has looked at safety issues. Applicant would like to keep driveways separate. Snow removal must be considered and the final plan must show snow storage areas. Driveways are 18 feet wide so two cars can fit all the way up the drive. Fairway is a dead-end street.

Mooradian acknowledged that the bump out exists for the unit near Greenway and that it is in the setback. Wallin feels that if Birchwood's ACC and security have approved the plan then the snow removal discussion isn't relevant. Repasky feels the 5-foot space between drives is tight and they should consider shared drives. Thomas reported that Birchwood has a tradition of each home having a light post with the address. Mooradian said that developer could consider auxiliary spaces across the street for final review.

Item C. Buffering Techniques: Birchwood ACC is responsible for landscaping and tree inventory.

Item E. Public Welfare and Adjoining Properties: Mooradian had a question about the size of the property. The planner listed eight acres but there is another parcel of just under 2. It is thought to be just over 10 acres but White should verify.

Item H. Drainage: The developer must look at sec 727-11 and follow storm water criteria for final review.

Item I. Emergency Vehicle: In an email from the Fire Chief Cupps he stated he did not see any issues with the plan.

Item K. Compliance with other statutes and regulations. Mooradian reported this is a private road so the County Road Commission comment is incorrect.

Mooradian noted there was a memo from the Health Department that said not to give any approvals until the system is built. He followed up with the director because typically the commission needs to give zoning approval knowing that they are working through the Health Department or other agencies. The soils are tested preliminarily, so the commission is okay to move forward preliminarily. Final decision will be conditioned upon health department approvals.

Section 604

Proposed: April 14, 2021

Approved: May 12, 2021 as corrected

Mooradian asked if the association will be monitoring on street parking. Sarowski explained that if there is a party the homeowner contacts Security and cones are put out so that parking is on one side of street. If it is a large group they park at the club house and are shuttled.

Section 727: 727:3 General Provisions

- A. Yes, complies.
- B. Not Applicable.
- C. Not Applicable.
- D. Not Applicable.
- E. Yes, the project needs to follow Federal, State, County and Township rules.
- F. Yes.

727:5 Area Regulations

Perimeter Setbacks: The 50-foot buffer strip around the perimeter does not pertain to this particular project. The plan meets the zoning ordinance setbacks requirements with the exception of the corner which Mooradian feels is acceptable to him.

Open Space: Not applicable. There is open space to the whole project, not just to this parcel. This is part of the original plan.

Height Regulations: Yes.

727:10 Preliminary PUD Plan - Check list

Signs: If having a sign, the plan needs to show the location and dimensions. This does require a separate permit from the Zoning Administrator.

Tree Stands: Birchwood ACC controls this.

Soil Conditions: Health Department has approved soils for a preliminary review of their septic systems.

Other natural features: This is up to the Birchwood home owner's association.

Environmental features: Unsure of slope, the Health Department will consider.

Lighting: Birchwood has their own lighting rules. Baiardi asked where the lights will go.

Mooradian said they should be shown on plan if they are other than the required post lamp that would be independent of the building. Thomas will discuss with Birchwood and the individual association about whether they want to illuminate the sign. Otherwise, he said it'd be normal post and entry lighting. Sarowski reported that she believes Birchwood regulations say where the lights should be.

For case 2-2021 for tax parcels #24-16-12-33-200-010 and tax parcel #24-16-12-33-200-009 we make a motion to approve the preliminary site plan and special land use for the Ridge Condominiums based on the findings of fact contained in the Planner's report #03-2021.

Moved by Moore. Seconded by Wallin.

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

Zoning Administrator Report: Dave White gave an update to his report saying we have a request for Pond Hill to expand their kitchen area and office space which will be sent to planner. Troy Bosker has requested an agricultural exemption for a barn that is being built. Mooradian has a question whether the building will meet the setback requirements. The parcel has a building and

Proposed: April 14, 2021

Approved: May 12, 2021 as corrected

home on it. Aerial footage was pulled up via internet and it looks like it will. Dave White was asked to verify.

Township Board Representative Report: No report.

Planning Commissioner Comments:

Moore asked what is being built on M119 and south of Middle Road. They cleared out pine trees and put up a fence. Looks like a horse paddock. Dawson asked if the fence is something the commission should be involved with. Baiardi said no.

Mooradian said the amendment updates have been adopted. The planner has sent the forms to be reviewed and be finalized.

ZBA: A case in Idylwilde was denied because the board can't increase nonconformity of a property. It was learned that Harbor Point has not come to the commission for ZBA hearings primarily because they have leased land and the dwellings are personal property. This is a similar situation to Wequetonsing and Bay View. In 2012 there were state laws created to address how associations with leased lands are handled. An amendment will be worked on to deal with waterfront overlay properties that are on leased land.

There is an open seat on the ZBA. Share any names for consideration with Jim Bartlett.

There are online classes till the end of June for online training.

Moore reported that the Coastal Resiliency program is building steam in the area. MTA is giving examples of zoning.

Varner questioned whether when discussing Pond Hill, the Outdoor Gathering Ordinance applies. A discussion was held about the differences between a Special Use permit or a license, which comes before the Township Board. Moore asked if the Planning Commission is allowed to offer Special Use if use triggers the Outdoor Gathering Ordinance. Mooradian said he understands that yes, the Planning Commission can make an exemption to the Outdoor Gathering Ordinance and that it can include additional conditions. Wallin said that Bliss Fest has to offer a bond. A license is enforced by police since it comes through a board approval and also has a sunset. A Special Use permit is enforced through zoning and runs with the land indefinitely. Varner wondered how the number of people attending an event is kept track of. Mooradian says that there must be a method for counting. Moore is concerned about transparency if the Planning Commission were to make an exception to the ordinance. Mooradian reported that the attorney outlined possible types of approvals and their pros and cons. Enforcement can be a problem with Special Use approvals compared to ordinance-based licenses.

Wallin made a motion to adjourn at 8:50 pm. Seconded Mooradian.