

**WEST TRAVERSE TOWNSHIP
REGULAR PLANNING COMMISSION MEETING
August 11, 2021 7:00 PM**

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

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

Absent: None.

Visitors: Tracy Beckley, David White

The Pledge of Allegiance was recited by all.

Approve Agenda: **Varner moved to approve the agenda. Uutinen seconded the motion. All yes.**

Public Comments: None.

Approve Minutes: Several corrections were suggested to the minutes of the May 12, 2021 Regular Meeting. **Uutinen moved to approve the May 12, 2021 minutes as corrected. Moore seconded the motion.**

Vote: All yes.

Several corrections were suggested to the minutes of the May 26, 2021 Special Meeting.

Wallin moved to approve the May 26, 2021 Special Meeting with the additions and corrections which Mr. Mooradian pointed out. Moore seconded the motion.

Vote: All yes.

Case 1 - 2021 Postponed by Applicant per July 12, 2021 Email: Mooradian explained that there was a meeting on July 12, 2021 with Jim Bartlett, Pete Wallin, Paul Mooradian, Dave White, Jim Spencer, Marcy Spencer, and Jim Palmer. It was informational and to determine where we are in the process. The Planning Commission is missing documentation needed for the Planner and to prepare a packet. Pond Hill said it is their busy season and they asked to postpone. Mooradian said the group felt that was fine but they talked about traffic flow and bigger gatherings. Mooradian said it was agreed upon that they can postpone but there might have been confusion about what they are, or are not, allowed to continue to do.

It was discovered that Pond Hill was advertising a concert and outdoor event the night after the July 12, 2021 meeting. Wallin said he told Pond Hill at the meeting that he is receiving comments from the public that they are worried that Pond Hill could turn into another Blissfest. He said he voiced that concern and Pond Hill responded that they would not.

There then was another meeting between White, Bartlett, Spencer, and possibly Palmer. Mooradian said White let them know that they can't have these types of events. They can do the farm market and café and some of their agritourism if it falls under the Right to Farm. Mooradian

Proposed: August 11, 2021
Accepted: September 8, 2021

clarified commercial events do not fall under Right to Farm. White said he sent them an email in March stating everything was on hold until the Planning Commission reviewed their application and that they agreed to that. At this meeting Pond Hill agreed to cancel the public event and hold it for family only.

Repasky asked if they can postpone forever. Mooradian said that our ordinance does not have a sunset and it is up to the Planning Commission. Repasky said this is setting precedent for future applicants that you can drag out the process and do whatever you want. It was clarified that we do not know who came to the concert. Repasky said we have a process and this seems like a delay tactic to get another year in. Mooradian clarified we have a Township Outdoor Gathering Ordinance and we have Commercial Events in our Zoning Ordinance. Repasky questioned why Pond Hill is not answering the questions, such as where the well is located. He feels since the Planning Commission questions have not been answered and the transparency is not there. He said that giving Pond Hill more months, while the Ordinance is being avoided, is not fair to the people who depend on the Planning Commission to enforce the Ordinances. Mooradian said he believed the intention of the informational meeting was to reiterate that point, to find out where they were in the process, and to explain that they can postpone but then they are limited to the activities allowed under Right to Farm. These would be the farm market, the farm store, and the farm café. The Farm Fest is an example of a Zoned Event.

White said the board doesn't have to accept the extension. There was concern that directly after the meeting, a concert was still being advertised. Uutinen said they weren't forthcoming and that they had made a verbal obligation. He feels there should be some response from the Planning Commission. Repasky and Uutinen said it is not personal. Repasky said his concerns center around safety such as septic, parking, and movement of ambulances through a designated route. Wallin said we are responsible and Uutinen said we are setting precedent.

Moore said he is concerned about the secondary entrance as there was recently a huge puddle at that spot. He said Pond Hill's letter to MDOT indicates some improvements have been done, but it is not clear what they were. Pond Hill got a permit to do work there but there was discussion whether the work had been completed or not.

Varner said that we could tell them they have 30 (thirty) days to respond. Baiardi said we could give them a certain number of days to complete their paperwork or the process will be done. Uutinen said the consequence would be they would need to start at the beginning again. White said they then would not be approved for events. Mooradian said they could reapply. Repasky said weddings and music concerts are events. Repasky suggested to give them a week to get the forms in. He said we should stay to the ordinance. Varner said we should describe an event. Repasky thinks they should ask for what they need as the requirements are in the Ordinance and if they have questions they should go to the Zoning Administrator. Repasky thinks this could be wrapped up within a week.

White said he and Mooradian met with Pond Hill at the preapplication stage. It was pointed out that they had been growing and adding activities and it was suggested that they put all the requests together in one application to move forward. The Planning Commission is now to the point they are discussing events. Mooradian said these are events that don't fall under the Right

to Farm Act such as weddings. They fall under Agritourism, but the State does not preempt local Zoning. Mooradian said the Zoning Administrator has some authority there but we don't want situations that are misleading to the community or the applicant.

Moore asked what the reason for the postponement is. If it is because they are busy then that is a financial hardship. He asked if the Planning Commission is allowed to consider that when considering postponements. White clarified that at the meeting the Gathering Ordinance was discussed. Pond Hill has asked to come back with an amended application smaller than 1,000 (one thousand) people. Mooradian said at the meeting it was clear that they need to deal with both the Zoning Ordinance and the Outdoor Gathering Ordinance. They would need to amend their Site Plan Review by pairing it back and they have to work with the attendance thresholds and licensing procedure set by the Outdoor Gathering Ordinance.

There was discussion about whether there is time for Pond Hill to apply to the Township Board for a license for Fall Fest. It was discussed that no decisions were made in the informational meeting. Mooradian said that he shared his concerns at the Township Board about a delay not being appropriate and asked that the Board look at and enforce the Outdoor Gathering Ordinance. He said he also spoke about the Zoning Ordinance and the importance of enforcement in general and gave specific examples. He said there were a couple of comments from Board members, but no action was taken. Repasky asked if the Board has to act to allow Pond Hill Farms to continue to operate as they are right now. Baiardi said she thinks Pond Hill believes they can continue for this year. Repasky said the meeting was not official, just discussion. Repasky asked how the issue would get on the Board's agenda. Baiardi believes the intent was that Pond Hill would be coming back in with the amended plan and it was going to continue to move along, but then it was put on hold.

Repasky asked if Fall Fest is being planned, marketed, and money is being spent. He said if the Board says no, then that might be a hardship. He feels the Board needs to say yes or no. Wallin says his biggest concern about the Fall Fest is the traffic. He thinks Pond Hill took his comments that there haven't been complaints previously and that if they continue as they are it will probably be okay, to mean that it is okay to move ahead. The comments were made in context of how the Planning Commission would be reviewing their plan and explaining there were concerns about them being a mini Blissfest, which they said they would not be. Repasky reiterated that we need to be direct and precise so that no one is being lead on and they don't come back for damages. Mooradian disagreed about damages because bottom line is that they are out of compliance.

Varner asked if the Board can overrule the Planning Commission if they ask that the process continues. Section 603:4 of the Zoning Ordinance was reviewed and discussed.

Repasky feels the board should address whether Fall Fest should be allowed. Mooradian said they could deny the postponement and take action tonight, but he wishes Pond Hill was there in that case. Wallin said that they need to apply for a license if going over 1,000 people, which Pond Hill has said there would be more. Repasky said if they are going over the 1,000, then they should apply for a license regardless of whether the Special Use Permit is approved. Mooradian said the Township Board and White must let them know that they need a license for Fall Fest.

Mooradian said that the email from MDOT to Pond Hill said “but our recommendation still stands.” Mooradian feels that there is a liability issue and we should consider what MDOT recommended. Mooradian said the Planning Commission is bound to make a safety decision. Repasky says it is all about public safety. Varner said it goes back to the Ordinance. Wallin said we should be proactive, not reactive.

The Commissioners talked about pictures of a soccer tournament at another location. Pond Hill had asked that there not be a setback from the road right of way for their parking lot. Repasky said there is a lot of advertisements regarding RVs and he feels that setbacks help visually. He clarified that Zoning goes with the land, but the fence could be removed at any point.

MTA Training Webinar (The Process): Skipped

Zoning Administrator's Reports: White said that Wurster is preparing a ticket for Rodrigos and the court date is October 4th. Mooradian read a letter to White from Van Wormer, the owner of Rodrigos, that was included in the packet. In the letter they asked the Planning Commission to look at Section C1 of the code regarding outdoor seating. They wanted to be involved when it is discussed. Mooradian asked if the Commission should add to their agenda a review of Section C1. The code does not allow for outdoor activities at service businesses. Mooradian asked if they could come in and ask for a Special Use. Mooradian asked if the Planning Commission would like to review Section C1 of the code to consider allowing restaurants Special Use permits for outdoor service. White said he would need to contact the Attorney as action is being taken. The discussion was put on hold.

Moore asked if we could start including ZBA minutes in the Planning Commission packets. Mooradian gave a synopsis of the ZBA over the last few months. He explained the Planning Commission Chairperson has a seat on the ZBA but the Planning Commission can have a representative instead. At the April 8, 2021 ZBA meeting Jeff Ford resigned because he felt that since the Idlewild Association was okay with it, he was as well. He brought up a similar situation on Harbor Point. It was a surprise to the group that the Township was not seeing everything regarding Harbor Point Zoning Permits. This is being addressed, but there have not been updates as of now. There have been two informal meetings with the Planner, Zoning Administrator, Supervisor, Attorney, and Mooradian to discuss options. The Attorney recommended a possible resolution between the Township Board and the Harbor Point Corporation with conditions. Should the corporation's structure ever change they would still be subject to our Zoning. Bartlett was going to have a meeting with Harbor Point and follow up with the Planning Commission. There has been nothing to date. Mooradian has suggested if something like this is agreed upon that we request a site inventory of buildings, roads, setbacks, and other improvements so that there is a baseline.

The third ZBA case was July 28, 2021. The request was granted although Mooradian personally felt the relief for the stream setback was beyond reasonable in size. They asked for relief for the stream setback, but not from either lake. He said he did vote yes, and he believed they should have had some relief, but not that much. They could have still built a house. He wanted a reduction in the request. That night Nancy Sarowski resigned after that meeting. Her resignation

letter was read "Dear Sam, please accept my resignation as Vice-Chair of the Zoning Board of Appeals. As an alternate I am not always available to take the responsibility to chair the meeting in the event of the absence of the Chairperson. I suggest that a regular member, not an alternate, should be elected Vice-Chair. Also, please accept my resignation as an alternate member. My reason is that the Ordinance is not being protected at this time. The Ordinance as written today is the Ordinance the ZBA must defend. The Applicant's desire to build a certain size house is a self-created reason for the variance. I cannot in good conscience support this Board."

Mooradian said he would be willing to step down off the Zoning Board of Appeals. He nominated Moore. Moore said he would like to do this and that he has been researching the ZBA cases. Mooradian said he would remove himself from the Zoning Board of Appeals and that Moore is his designated replacement to represent the Planning Commission.

**Mooradian moved to nominate Moore to take over as the Planning Commission Representative on the Zoning Board of Appeals. Baiardi seconded the motion.
Vote: All Yes.**

White read the Outdoor Ordinance regarding the application for license. It says an application must be made in writing 60 (sixty) days out. Baiardi said the request can be in letter form. Mooradian pointed out that we are not 60 (sixty) days out from the end of September. Repasky said that there should be communication with Pond Hill.

Wallin moved that we don't postpone Case 1-2021 for Pond Hill Farm until December, 2021. Repasky seconded the motion.

Mooradian said that they will receive a notice from White explaining what happened.

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

Wallin moved that we recommend to the Township Board that they enforce the Outdoor Gathering Ordinance for Pond Hill Farm for their events that would exceed 1,000 (one-thousand) people. Repasky seconded the motion.

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

Planning Commissioner Comments:

Mooradian said that Ordinance enforcement is important. Mooradian asked White if the Ridge Condominium project has received the State permit for their septic. White said he does not know. Varner said that some time ago it was mentioned about taking the residential Zoning Administration back from the County. He wondered what has happened. Mooradian said there was one meeting on the subject but it was decided that we have a lot going on so it is not the appropriate time. It is also contingent on the amount of time the Zoning Administrator can give.

Township Board Representative Report: Move to next meeting.

Correspondence: Reviewed above.

Public Comments: None.

The Next Scheduled Regular Meeting will be September 8, 2021.

Repasky made a motion to adjourn. Mooradian seconded.

Submitted by:

Dawson Moore, Secretary

Transcribed by:

Tracy Beckley, Township Secretary