TORCH LAKE TOWNSHIP

ANTRIM COUNTY, MICHIGAN

Torch Lake Township

Planning Commission Meeting

Community Service Building

Draft Minutes

October 10, 2017

**Present:**   Goossen, Shoemaker, Bretz, Kulka, Jorgensen, Petersen

**Absent:**

**Others:**    Grobbel, Martel, Graber

**Audience:**    Larry Lavely

**Recording Secretary:** J. Petersen

**1.**    **Call to Order Regular Meeting:**

    Meeting called to order at 7:05 pm by Kulka

Members present announced their names and titles.

**2.    Public Commentary:**

Kulka asked for public comment and none was offered at this time

**3.    Consideration of Agenda:**

    Request by Kulka to approve agenda with the following change:   conduct the “new business” (item #8) section prior to “unfinished business” (item#7) section.  Motion by Goossen to approve 10.10.17 agenda, with the aforementioned change, motion seconded by Shoemaker; passed 6-0

**4.**    **Approval of Minutes of August 8, 2017 Meeting:**

Motion by Petersen to approve 9/12/17 meeting minutes; motion seconded by Bretz; further discussion was asked for by Kulka and vote was taken and passed 6-0

**5.    On Going Reports**

**5A     Zoning Administrator Report - Deb Graber**

Deb Graber has tendered her resignation as Secretary of the Planning Commission effective immediately, as she has accepted the position of Zoning Administrator for Torch Lake Township.  Congratulations were offered and Graber stated she is eager and happy for the opportunity.

* 33 permits have been issued YTD - a list is being compiled and will be provided
* Graber will be visiting site locations
* Announced  scheduled 7pm 10-18-17 Special ZBA Meeting

    **5B     Representative on ZBA Report**

Bretz reported No ZBA meetings have occurred since the last PC Meeting/ Report.

    **5C     TLT Board Representative on PC Report**

Petersen reported there was nothing to report from the board

**6.    Correspondence, Meetings, Training, Announcements, etc.:**

    Kulka distributed MTA information on short term rentals

* MTA Weekly News 10.6.17 issue *Short-term rentals issue heating up*
* and from the MTA members website: *House Bill 4503, Senate Bill 329 Threaten Public Safety and Existing Michigan Hotels, Undermine Communities*

**8.      New Business**

Larry Lavely of A-Ga-Ming Golf Resort was present and stated the following:

* The intent of A-Ga-Ming at the time of seeking zoning approval last November 4, 2016 was to build the Clubhouse as presented, and this still may happen.
* A-Ga-Ming has leased the Charlevoix Country Club, with the possibility to purchase.  It had suffered a devastating fire the prior winter.
* The architect and builder on the Charlevoix property has advised the owners and the budget has exceeded funds available, thus mandating a re-prioritization of funds intended for the McLachlan Road Clubhouse.
* The project which received zoning approval last November may experience a setback until next fall and wishes the Planning Commission to extend the permit date.

Kulka asked if the plans would be the same and discussion regarding the time permissible ensued.  Grobbel read from the ordinance Sect. 15.14 “ In approved PUD, permit expires 1 year after issuance, an extension may be granted by 12 months if one of two criteria are met.”  and 15.16 - “To avoid auto expiration, project owner may request an extension prior to the expiration date.  Renewal may be granted by the board at PC’s recommendation without a formal hearing.  Renewal will not exceed 24 months.

Petersen clarified - If A-Ga-Ming applies by 11-4-17 he will be within the 1 year deadline to file for extension.

Lavely stated a One year extension would suffice

Goossen made a motion to approve a 1 year extension 11/4/17 to 11/4/18; Motion was seconded by Petersen; Vote was taken and passed 6/0

**7. Unfinished Business**

**78A    Building/Structures**

Kulka provided copies of the Zoning definitions pages for “buildings” and “structures”.  He pointed out while the definition of  BUILDINGS includes the word “structures”, the opposite is not true.  (The definition of “structures” does not include the word “building.”).  Discussion was had and a case was made by Bretz, Petersen and Grobbel to not change the definition of “structure” to include the word “building”.  Grobbel stated enforcement of the ordinance is sufficient when exercised, and a public hearing to change this would be required.  Petersen stated he felt too many words leaves opportunity for loopholes, and making zoning changes as a reactionary action may be what is happening here.  Bretz stated agreement in the opinion of the ordinance not lacking in clarity.  Grobbel stated to be aware of and react appropriately to the obvious avoidance situations in zoning ordinances because a judge will uphold the Township and the ordinance if it is enforced.  Grobbel also reminded the PC of its ability to form a sub-committee to study the effects this change would make throughout the entire township zoning ordinance i.e. the “ripple effect” of changes that might need to occur and in how many places.  Kulka asked for any more discussion for or against changing the zoning definition - Petersen stated again he felt it should be left alone.  Bretz agreed and stated no sub-committee should be formed.  Jorgensen also agreed not to make the change.

Kulka called for a motion and one was made by Bretz to not change the zoning ordinance, the motion was seconded by Persen and a vote was taken and passed 6/0.

**7B    Time Limit for Zoning Appeal**

Kulka asked Grobbel what the time limit was to appeal a zoning decision.  Grobbel stated there is no deadline.  To appeal is a legal and constitutional right and is up to the court system in civil matters.  Kulka asked if a time limit could be written into the township ordinance. Grobbel replied that to even suggest a time limit would in his opinion be unconstitutional and the township attorney should certainly be consulted.

Graber will put on her to-do list a clear explanation of the appeal process to make it clear how a decision of the board and or zoning administrator can be appealed.  Grobbel will look at chapter 19 - “Administration” and get verbiage from other township ordinances to add to ours if needed. He will prepare a draft and bring it next month.

**7C Shall Vs May**

Martel pointed out that the current procedure for the board taking a recommendation from the PC to make ordinance changes is that it can pass/adopt all or part of the recommendation but that it “shall” present any changes back to the PC.  The MTA law reads that the board “MAY” present its changes to the PC but is not required.

Shall = Required;

May = Optional

Grobbel clarified that the PC must hold a public hearing to recommend any ordinance change to the board.  With the PC recommendation, the board can do any of the following: change, pass or hold another hearing of its own or nothing.

Kulka will put this issue on the agenda to have a public hearing to make this change from “shall” to “may”

**7D Fence Zoning**

Chris Grobbel distributed DRAFT Ver 1 (10-9-17) and asked the PC to review and bring comments to next meeting.

**7E Master Plan Update-Chris Grobbel**

* 10/11/17 is next public input meeting-flyer distributed.  1 hour, 4 new questions for discussion - next and final session 11/11/17 10am - brainstorm session about where we want to be in 10 years.
* Chapter 4 is finished - parcel data comparisons are difficult against 20 year old data
* Survey closes in 20 days
* Working on Chapter 5 - experiencing procedural issues as in the #s aren’t comparable with wetlands vs pastures etc.  Nothing alarming however.
* Goossen asked why the TLT commercial property looks so different - Grobbel stated that at last Master Plan Update properties now considered TLT / Commercial / Village business etc… were not before.  Grobbel described the land COVER pie chart and the Land USE graph.  Land **use** is how many parcels are zoned as what

**9.  Concerns of the Planning Commission**

* Filling the vacancy of the PC will be discussed next month- a member of the agricultural community was mentioned as one who would be a great addition.
* Kulka reported only a few changes to the bylaws - PC members should review and be prepared to finalize next month.
* Jorgensen would like to point out that the TLT website has glitches and is in need of a website administrator.

**10.  Public Commentary**

Kulka asked for public comment and there was none.

**11 Adjournment - 8:26pm**

With nothing further, a motion was made by Jorgensen to adjourn, the motion was seconded by Bretz, final comments were again asked by Kulka and a vote was taken to adjourn, passing 6/0.