TORCH LAKE TOWNSHIP

ANTRIM COUNTY, MICHIGAN

Torch Lake Township

Planning Commission Meeting

Community Service Building

Draft Minutes

September 10, 2019

**Present:**  Petersen, Jorgensen, Kulka, Carleton, Stridiron, Goossen, Shoemaker

**Absent:**  Kulka

**Others:**    Graber, Martel, Grobbel

**Audience:**  5

**Recording Secretary:** J. Petersen

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

Meeting called to order at 7:00 pm by Jorgensen.

**2. Call to order Public Hearing and 3. Summarization of Procedures and Rules**

Jorgensen announced the public meeting would be held first, before the PC meeting as requested by the Jenkins family. Jorgensen reviewed rules and procedures for the public hearing regarding Special Use Permit Application #ZP2019-40

**4. Public Commentary**

Jorgensen asked for any public commentary

Carleton read letters received

1. L. Morrow-letter in support of short term rentals and approving the Special Use Permit application.
2. C. Szyback-letter in support of short term rentals and approving the Special Use Permit application.
3. D. and V. Anderson-letter in support of short term rentals and approving the Special Use Permit application.
4. Jeffrey Noeker-letter in support of short term rentals and approving the Special Use Permit application.

Jorgensen asked for any public comment

Thomas Morrison 12511 Traverse Bay Road spoke against approving the special use permit. His stated concerns of noise, late night campfires (smell), multiple boats and people spilling gas and trash. He spoke of the contamination that occurred several years in the past which prevents him from selling his property.

Alan Martel spoke about previous meetings and surveys which indicated overwhelmingly the residents in the area are against weekly rentals in residential zones. He explained that a judge ruled to allow STR in the village business district with a special use permit. Martel stated the presence of a responsible owner isn’t the only thing to be considered. He stated the permit for the STR remains with the property even after the property is sold. Martel reminded the PC that limitations and conditions could be placed on approved permit applications. He would like the PC to keep maintaining the quality of the township and not change the rural character of the township.

John Jenkins addressed the PC next. Jenkins thanked the PC for its consideration. He gave a brief history of how he and his wife decided to live here. He has restored and rehabilitated buildings and improved the area. He states he truly loves Torch Lake Village and wants the opportunity to use and enjoy his property. He states his property has been inspected by the DNR and the tests resulted in no contamination. He promises the neighbor he will do everything he can to ensure it’s done right.

Stridiron asked about water testing and informed Jenkins that the health department will require yearly testing and there are further restrictions involved in STRs. Jenkins stated the health dept has not required anything yet, but he will be happy to comply. Shoemaker asked for clarification of zoning with Graber. Shoemaker asked if Village Residential was allowed to apply for special use permit. Goossen stated the PC has established two distinctions of village classification; residential and business. Grobbel agreed that this was the case. Graber referred to the Map in the back of the zoning ordinance which indicates the property in question is located in the Village Business district, as all properties located in the village along US31 are. Shoemaker asked for clarification of where the owner lives and which house is being proposed for STR. Graber referred the PC to the application and location. Jorgensen clarified lots 13-17 are owned by the applicant. Jenkins stated he only rents one of the homes. He has a large family and friends who he allows to use his house for visits, but he only intends to rent one. Stridiron asked about driveway plans and capacity for vehicles. Jenkins stated there would be 2 parking places made and boats, if any, would be kept temporarily behind his house. Grobbel asked about an environmental assessment (Phase 1, 2 etc…) and Jenkins was not aware if there was one.

Jorgensen asked for any further comment and there was none.

**5. Close Public Hearing**

Jorgensen closed the public hearing at 7:37

**6. Break**

**7. Public Commentary**

Chris Szyback spoke about the application - she stated the PC recently approved a special use for STR under the same circumstances, She stated the contamination that was discussed should have nothing to do with STR. She stated she has wells on her property as well, but the emotion is in the contamination and has nothing to do with the application.

**8. Consideration of Agenda**

Motion by Stridiron to approve the agenda

Motion seconded by Shoemaker, Jorgensen called for discussion and vote passing 7/0

**9. Approval of Minutes**

Correct spelling of FOIA from FOYA

Omit 8B

Motion by Petersen to approve draft meeting minutes from August 13, 2019 with change; seconded by Stridiron. Jorgensen called for comments and vote; 7/0 motion carried.

**10. On-going Reports**

**10A Zoning Administrator’s Report**

Graber distributed an updated *Checklist for August 2019* and TLT 2019 Land Use Permits spreadsheet through Permit #2019-45, Land Division App # IDA2019-3 and ZBA Appeals ZBA 2019-4. Violations, civil infractions, enforcement, court cases, pending court cases, complaints, on-going permit status, and current zoning applications were summarized. Graber is hoping the board will reverse requiring permits for garage sales. ZBA meeting tomorrow to hear a request for variance in a rear yard set back on Pine Ridge Trail. Grobbel asked Graber if there were any complaints regarding STRs and Graber stated the complaints aren’t of the STR nature.

**10B PC Representative on ZBA Report**

Shoemaker stated there would be a ZBA meeting tomorrow night at 7pm

**10C TLT Board Representative on PC Report**

Petersen summarized board activities and training. Nothing to report on shooting range moratorium.

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

Jorgensen attended an MTA seminar and learned that barns involved in barn weddings need to have the building department inspect, not the fire department.

**12. New Business**

 **12A Special Use Application for STR #ZP 2019-40**

Jorgensen led the deliberations of the PC and the facts were considered. Stridiron commented on the number of available beds to rent in the township and questioned the need for more. Petersen spoke and reminded the PC that the application is the only reason for the meeting and is the only issue that needs to be discussed. Shoemaker asked to be reminded of the limitations in which the special use permit was granted in February on the neighboring property. Graber obtained and distributed the letter to the previous applicants outlining the limitations. Grobbel reminds the PC of its authority and jurisdiction, which does not include environmental assessment and or sampling and testing enforcement. Stridiron stated the health dept. said the landowners are required periodically to submit tests. Grobel and Petersen stated again the water is not our responsibility and we are wasting time discussing that which we have no jurisdiction. Jorgensen reviewed the 4 standards of approval from Chapter 17.2.

1. The special use proposed must be consistent with and promote the purpose and intent of the ordinance and zone district in which the use is proposed.

Jorgensen read the standard and asked the PC for comment

Petersen made a motion to approve standard 1; motion was seconded by Carleton. Jorgensen asked for further discussion and vote; passing 7/0

2. The special use proposed must be compatible with the zoning and use of adjacent lands.

Jorgensen read the standard and asked PC for comment. Petersen made a motion to approve standard #2; motion was seconded by Shoemaker. Jorgensen called for further discussion and vote; passing 6/1 (Stridiron NO)

3. The special use proposed must not adversely impact the environment.

Jorgensen read the standard and asked PC for comment. Petersen verified approval on septic with the landowner and the placement of the new driveway, which requires an MDOT permit. Petersen made a motion to stipulate approval based on condition the the landowner submit any and all required permits. (well, septic and MDOT). Motion was seconded by Goossen. Jorgensen called for discussion and vote; passing 7/0

4. The special use proposed must not unduly burden or exceed the ability of the public services or facilities to handle the anticipated needs of the community. Jorgensen read the standard and asked the PC for comment.

Petersen proposed May 1- October 1

Goossen proposed indoor sleeping only, no camping no RVs

Stridiron reminds the approval will go with the property

Carleton proposed having the owner’s name and 24 hour contact phone information listed at the township.

Goossen proposed to not allow renting when the owners are not home, or having owners assign caretakers in their absence. Shoemaker proposed limiting parking to 2 vehicles. Grobbel proposed stating revocation will occur if the conditions listed are not met. Petersen made a motion to approve items 1-4 with the following conditions;

1. No overnight sleeping outside of the building
2. Number of vehicles not to exceed 2
3. If any of the listed conditions are not met, the TLT PC will consider revocation of the special use permit
4. Up to date contact information of the local property owner or manager will be kept on file with the TLT Zoning Administrator
5. Rental is permitted May 1- October 1
6. All necessary permits will be supplied the the TLT Zoning Administrator, including but not limited to; health department and MDOT

 motion was seconded by Carleton, Jorgensen called for further comment and vote passing 6/1 (Stridiron NO)

 **13. Unfinished Business**

**13A Commercial Zone - Outdoor Events**

The commissioners discussed outdoor events in commercial zones. Graber is in a position that zoning in commercial zones does not allow for this activity...with or without a permit (as permitting is not allowed). Petersen proposed to add it to the agenda to write an ordinance for special use permits in the commercial zones. Petersen asked Grobbel if the language could be copied from the special use permits for outdoor events in the village business and agricultural zones. Grobbel will look into and have a proposal for the next meeting.

**13B Moratorium on Shooting Range**

Stridiron distributed report dated 9-10-19 and presented his and Shoemaker’s findings as they were assigned to be the advisory committee for the Planning Commission. Grobbel summarized the options of zoning and enforcement. Goossen suggested having Grobbel prepare something and bring it back to the PC. Grobbel stated he would like the PC to consider going to the township atty for advice and specific language. There is legislation, Attorney General opinions, and current court cases all over the place on this topic. The PC chair will contact the township atty to begin work on this.

**14. Concerns of the Planning Commission**

**14A. Concerns of the PC Chair** - NONE

**14B. Concerns of PC Members -** NONE

Graber asked for all zoning books to be returned so they may be updated

**15. Public Commentary**

Jorgensen called for public comments and none were given.

**16.**  **Adjournment - 9:13pm**

With nothing further, a motion was made by Petersen to adjourn, the motion was seconded by Stridiron ; Jorgensen called for further discussion and vote passing 7/0.