**TORCH LAKE TOWNSHIP**

**PLANNING COMMISION**

**REGULAR APPROVED MINUTES AT THE REGULAR MEETING ON**

**SEPTEMBER 14, 2021 PASSED 6-0 WITH CORRECTIONS**

Tuesday, September 14, 2021

Community Services Building

**Members Present:** B. Hawkins, C. Shoemaker, J. Kulka, B. Stridiron, B. Budros, J. Merchant

**Absent:** L. CARLETON

**Others:** S. Kopriva, S. Langworthy

**Recording Secretary:** Veronica Beitner

**Audience:** 48

**1. Call to Order:** Meeting called to order by B. Stridiron at 7:02 PM.

**2. Pledge of Allegiance:** ALL

**3. Consideration of Agenda: (**M/S) B. Stridiron/J. Kulka motion to accept as presented. Passed 5-0.

**4. Public Commentary:** T. Stillings, Golden Beach Rd spoke to authority of Municipal Government. Concerned about tax dollars and how this Government is spending time and money in regards to Zoning issues.

**5. Approval of Minutes from July 13, 2021: (**M/S) J. Kulka/B. Hawkins motion to accept as corrected. Corrections include: #4. Public Hearing, third sentence should read “Spoke to love of area and same reason…” Remove word “same” located before the word “reason” in line four. Item #6 change “streaming system” to “YouTube.” Item #7 Approval of minutes change last sentence wording “online video” to “YouTube.” Passed 5-0.

**6. Ongoing Reports:**

**A. Zoning Administrator’s Report –** S. Kopriva provided copy of report and available to take any questions.

**B. PC Representative to ZBA Report –** C. Shoemaker reported that committee reviewed changes for Rules of Procedure. ZBA is recommending changes that have been presented to Chairperson B. Stridiron. B. Stridiron will make available to committee for review at the October, 2021 meeting.

**C. TLT Board Representative on PC Report:** J. Merchant reports that at the August, 2021 meeting the M-88 request was approved, Title changes by removing the word “Interim” to Zoning Administrator and Assistant approved, Deputy Clerk approved for rate of $15/hr. for scanning work, approved contract for MD Heat and review of upgrading heating systems and approved abandonments to lots in Cemetery for road improvements.

**7. Correspondence:** D. Roth, Bay Harbor Association letters regarding Airpark are in packet for consideration. Letters from C. Davis, M. Niswonger, S. Suwalsky letters concerning the Dollar General are in packet for consideration.

**8. Conflict of Interest:** None disclosed

**9. Unfinished Business**

**A. Continuation of Rezoning Request PCA 2021-02-PCA 2021-34 for Torchport Airpark LLC** – B. Stridiron asks Mr. Baise to address audience. Mr. Baise thanks for the time to review for last month. He reiterates the fact for the reason why he felt the need to request the rezoning after feeling his “hands were tied by the Township.” Reviewed historical facts of property including previously approved development. Has amended his original application. Based on information from Mr. Steve Langworthy, he feels he should be able to utilize Option E in tonight’s packet. “Approve a rezoning with a reduction in the acreage requested to cover only those areas requested by the applicant for new hangers.” Mr. Steve Langworthy reviewed options for Commission to consider. **A**. Evaluate rezoning using the existing Master Plan and Zoning Ordinance. At some point this should be amended to include some discussion about the airport. Zoning factors provided for consideration, which include those presented by Zoning Administrator S. Kopriva. **B**. Prior to acting on the rezoning, process an amendment to the Master Plan, including the Land Use map, and any necessary changes or additions to the policies, goals or actions. This would allow the public to have a part of the process as the Township would conduct this process. **C**. Amend Zoning Ordinance to include airport uses in a Residential district, either as a Permitted or Special Land Use, with appropriate requirements. This would allow input from the community. **D**. Amend Zoning Ordinance to create a specific zoning district, with associated accessory uses and regulations. **E.** Approve a rezoning with a reduction in the acreage requested to cover only those areas requested by the applicant for new hangars. (Should also be considered if the rezoning application is reviewed as submitted without an amendment to the Master Plan.) As a Planning Commission, they have the right to reduce the area requested on application. Further, Mr. Langworthy recommends including Para Flying Finding of Fact. Rezoning factors are another area to review and presented in packet tonight. These options can be utilized over time and encompass many aspects of these options. Mr. Langworthy reiterated the Planning Commission needs to explain reason for action which will lead to Finding of Fact to prepare for action. This will require a Motion by the Committee. B. Budros asks for further explanation of creating an airport district. Discussion ensued. J. Kulka speaks of need to do site review to help understand impact of rezoning. Mr. Langworthy reminded Commissioners that this is allowed but they must not be onsite with the applicant. C. Shoemaker asks if there is a time limit on the committee deliberation. There is a time restraint which is why there was a recommendation tonight to make a decision in order to move the process forward. Discussion ensued regarding future changes once a decision has been determined. B. Hawkins speaks to creating a zoning district specific to the airport. This would preclude any changes to anything other than airport use while enabling Mr. Baise to develop as an airport and his personal use under some limitations while alieving community concerns. Additional discussion ensued with clarifications being offered for options provided. J. Kulka states he does not feel he can make a decision tonight based on all the information being presented. C. Shoemaker requests a clearer copy of the maps with highlights to maps included in packet provided in application. Clarifications offered by S. Kopriva. (M/S) B. Stridiron/C. Shoemaker motion to consider Option A, that falls generally under the Master Plan to gather information to assist in Finding of Fact review. Discussion ensued which included decision to proceed with Finding of Fact to support or deny motion. Based on determination of Motion, S. Langworthy and S. Kopriva will provide information for Finding of Fact. S. Langworthy requests that the Committee provide highlights as to why it should be one or the other to assist in Finding of Fact. The Finding of Fact will occur at the October, 2021 meeting. During this process, information could include Finding of Fact for other options. S. Langworthy reiterates zoning is not subject to ownership but rather to property.

C. Shoemaker interested in other options and feels to make a motion that limits to one option may result in a decision being MOOT . S. Kopriva add the process may reflect answers to questions of other options. Indirectly may impact other options. J. Merchant clarifies that the applicant requests option E. Roll Call Vote: B. Hawkins - nay, C. Shoemaker - yes, J. Kulka - yes, B. Stridiron - yes, B. Budros - yes, J. Merchant - nay. (M/S) B. Budros/B. Stridiron Motion to request Consultants bring back possible amendments to Master Plan and what the Zoning Ordinance may look like. Discussion ensued. Passed 5-0. S. Kopriva requests direction for Finding of Fact. Is it to support or to deny when considering option A. Discussion ensued. B. Budros speaks to compatibility of commercial development in a residential area. J. Kulka speaks to understanding how to weigh all information appropriately as well as comments/concerns made by general public. B. Stridiron would like research on noise impact on community. J. Merchant summarizes that under first motion Finding of Fact would be drawn up to substantiate turning down the motion. Additional information may be requested to S. Langworthy and S. Kopriva at next meeting. Point of Order by R. Bishop regarding public input.

**10. New Business**

**A. Village Business/Commercial Zoning District Discussion –** B. Stridiron reviewed Resolution 2021-25 Adopting 60 Day Moratorium on issuance of Zoning Permits for Construction in the Village Business and Commercial Zoning Districts. Requests Supervisor B. Cook to speak to Resolution which HE reviewed. To date, there has been no application, communication and only one (1) phone call with a vague request for information as it relates to Commercial Business such as Dollar General. As a result, in allowing the Citizens to add voice, it was recommended by Township Attorney to set Moratorium which is time limited. Further clarification provided by Supervisor. Supervisor Cooks requests citizens to speak directly with him.

**B. Ordinary High Water Mark Definition –** B. Stridiron requested S. Kopriva to research topic and reviewed historical concerns and current topography concerns. S. Kopriva reports on data utilized on Lake Michigan which we do not have for Torch Lake. We only have definition in regards to water’s edge which is a “moving target.” Recommendations reviewed and included in meeting packet. Included options such as Vegetation and Sea levels. Additionally, information provided by Great Lakes Army Core, FEMA flood maps and corresponding definitions provided. Discussion ensued. (M/S) B. Stridiron/J. Kulka Motion to change the Zoning Ordinance 2.16 Section B would read “No structure may be located within 50 feet of the high-water mark of 591.8 feet above sea level on Torch Lake or within 50 feet of the ordinary high-water mark of Lake Michigan. Discussion included clarification of determination of 591.8 feet level. Passed 5-0. B. Hawkins suggests that a gauge be placed on the end of the Fire Department Pier so that data may now be collected weekly and monitored.

**11. Concerns of Commission** -

**A. Chair** – B. Stridiron speaks to meeting packet documents being published and available prior to meeting. Provided an update.

**B. Members** – J. Merchant speaks to concern regarding applicant Mr. Baise and the public information being portrayed on social media and in discussion. Speaks to a negative portrayal of Mr. Baise which has troubled him.

**C. Consultant** – Encourages the planning Commission to consider a Special Meeting to begin discussion. Will be considered per B. Stridiron

**12. Public Commentary** – R. Bishop from Woods Drive speaks directly to S. Kopriva and requests that MCL #1235.3203 (125.3203) be included in Finding of Fact. Spoke to Property Rights. Encouraged Mr. Baise to sue the Township and each elected official as a result of delays. Mr. Bishop will be submitting a FOIA request for all emails and phone records specifically to A. Martel. Further, he spoke to Conflict of Interest held by B. Stridiron and his wife’s donation to D. Graber’s (property owner) Go Fund Me for legal services. Mr. Bishop spoke to conflict of interest and validity of all Motions in tonight’s meeting.

T. Baise, Moulton Rd speaks to his anger regarding perceived Conflict of Interest being held by B. Stridiron and B. Budros. Reiterates that even if denied, he is regulated by the FAA and his frustration with delays.

A. Graves, Bayview Dr spoke to setback requirements as well as how it relates to areas of Critical Dune Regulations.

J. Merchant asks for clarification from B. Stridiron if Mr. Bishop’s comments were true. B. Stridiron replies that his spouse has the right to make her own decisions and actions and there is no conflict. J. Merchant states in light of concerns brought forward, he is angry and concerned with actions taken tonight. B. Hawkins addressed B. Stridiron for additional clarification of his wife’s connection with actions against Mr. Baise and Conflict of Interest.

**13. Adjournment** – (M/S) BS/JK motion to adjourn at 9:03 PM. Passed 5-0.

Minutes Respectfully Submitted by Veronica Beitner, Recording Secretary