

WEST TRAVERSE TOWNSHIP
REGULAR PLANNING COMMISSION
Wednesday September 11, 2024

Vice Chairman Hollerith called the meeting to order at 6:00 p.m.

Roll Call: Green, Hollerith, Osetek, Forster, Dohan, Thompson

Absent: Murphy

Visitors: Sue & John Esser, Linda Hoisington, Pat Lennon, Garon Gopigian, Lisa Morris, Eric Blesi, Jim Moreen, Cindy Johncox, Ron Johncox, Kathy Erber, Stever Erber, Ed Taylor, Terri & Scott Devon and Chris Berry

The Pledge of Allegiance was recited by all. Acting Chair Hollerith asked for a moment of silence in honor of 9-11.

Approve Agenda as presented or with additions: **Green made the motion to approve the agenda as presented. Forster seconded. 6 ayes, 1 absent**

Public Comment - Eric Blesi spoke to the comments at the August 14 meeting that then Chair Moore made in the Planning Commissioner Comments. Blesi took exception to Moore's statement of, "*special treatment from township staff, township attorney and the use of township funds*" for a previous application from Harbor Point. Blesi wanted it known that accusation was false. Kathy Erber spoke to a statement made by a Pine Trail resident regarding illegal tree trimming. See attached statement. Public comments were closed at 6:10 p.m.

Approval of 8-14-24 Regular Meeting Minutes: **Forster made the motion to approve the minutes of August 14, 2024, as presented. Roll Call vote: Green – yes, Thompson – yes, Hollerith – yes, Osetek – yes, Forster – yes, Dohan – yes. 6 ayes, 1 absent.**

Unfinished Business – none

New Business –

- a. Election of Officers
 - i. Chairperson (for remainder of calendar year) - **Green made a motion to appoint Charlie Hollerith as Chairperson. Forster seconded. 6 ayes, 1 absent.** Vice Chair: **Osetek made a motion to appoint Hank Forster as Vice Chair. Thompson seconded. 6 ayes, 1 absent.**
 - ii. ZBA Board Rep: **Hollerith made a motion to appoint John Dohan as ZBA Board. Green seconded. 6 ayes, 1 absent.**
 - iii. Update on Planning Commissioner vacancies – these positions are currently running through January of 2025 at which time, another election will be held.

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- b. Public Hearing – Case #06-2024 Rezoning request: consider a rezoning request from Single Family residential (R-1-A) to Transitional Residential (R2), as submitted by the Harbor Point Association, for the Harbor Point Resort Community. The property is more particularly described in the Plat of Harbor Point Resort, which is recorded in Liber 2, page 28 of Plats, Emmet County Register of Deeds. Chair Hollerith opened the public hearing at 6:11 p.m. Lane pointed out that the notice for this public hearing ran in the Harbor Light newspaper on August 21 and notices were sent to the residents on August 26 according to state law. Lane stated the case and noted the 8 standards required to approve the rezoning. The Planning Commission deliberated over the West Traverse Township Zoning Ordinance, Section 1002:6, Rezoning Standards:
- a) Are all the allowable uses in the proposed district reasonably consistent with surrounding uses: This was found to be satisfied noting with minor exceptions, the permitted uses and uses subject to a special use permit are identical between the R-1-A and R-2 Districts. Uses permitted in the R-2 district are consistent with surrounding uses as those permitted in the R-1-A District.
 - b) Will there be an adverse physical impact on the surrounding properties: This was found to be satisfied noting permitted uses and uses subject to a special use permit are nearly identical between the R-1-A and R-2 Districts. Lot requirements in the R-2 District allow for increased dwelling unit density and are more consistent with existing structures in the Harbor Point Resort. No objections to the proposed rezoning have been received from surrounding property owners.
 - c) Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning: This was found to be satisfied noting the Harbor Point Association is seeking to create a PUD Overlay for the Harbor Point Resort. Density requirements in the R-1-A District prevent approval of the proposed PUD. A rezoning to R-1-A will satisfy the density requirements under the PUD provisions of the zoning ordinance.
 - d) Will rezoning create a deterrent to the improvement or development of adjacent property in accordance with existing regulations: This was found to be satisfied noting allowable uses and dimensional requirements between the R-1-A and R-2 Districts are substantially similar. It does not seem that rezoning approval will create a deterrent to the development of adjacent properties.
 - e) Will rezoning grant a special privilege to an individual property owner when contrasted with property owners in the area or the general public (i.e. will rezoning result in spot zoning): This was found to be satisfied noting, if approved, the rezoning will not grant a special privilege and the R-2 zoning designation will provide a complementary zoning designation between residential districts. Additionally, the established use of many of the subject parcels is non-conforming. If approved, rezoning to R-2 will serve to eliminate non-conformities.
 - f) What is the impact on the ability of the Township and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the proposed amendment is adopted: This was found to be satisfied noting there will be no impact – adequate public services and facilities currently exist.

g) Is the rezoning consistent with the goals and objectives of the Master Plan: This was found to be satisfied noting the land use designation of the Harbor Point Resort under the Master Plan is in opposition to the actual long-standing use of the property, thereby, creating many non-conforming lots. Rezoning to R-2 will serve to eliminate non-conformities and provide consistency with adjacent uses in the City of Harbor Springs.

h) Were there errors in the original rezoning of the property: This was found to be satisfied noting the zoning designation of the Harbor Point Resort is in opposition to the actual long-standing use of the property, thereby creating many non-conforming lots. Rezoning to R-2 will serve to eliminate non-conformities and correct the error. Lane stated sample motions were provided in the board packets. Pat Lennon, attorney for Harbor Point spoke regarding how pleased he was with the PUD, stated that they are excited to begin this new chapter with the community and thanked the board for their time and hard work. Hollerith asked for any comments from the audience. Noting there was none, Hollerith closed the public hearing at 6:20 p.m. Hollerith asked for comments from the board. Dohan recognized that this was a way forward to solve some of the issues that have been present in the past and is in support of the zoning change. Forster agreed and said it was time to move on. Thompson stated she appreciated the thought and care that went into this process. Osetek agrees that it's a good fit for all concerned. Green said he was pleased to get to this point, it had been a long road to get here and appreciated all the compromise. Hollerith thanked Harbor Point for their patience, echoed the comments of the board members regarding all the compromises and all its unique challenges. Hollerith asked for a motion. **Green made the following motion: Based on the information in the September 4, 2024 memo from the Township Planning and Zoning Administrator, and due to the Findings of Fact as stated therein and discussed by the Planning Commission, I move to recommend approval to the Township Board of Trustees the rezoning of the Harbor Point Resort community, Plat of Harbor Point Resort, Liber 2, Page 28 of Plats, Emmet County Register of Deeds, from R-1-A to R-2, because the applicable standards of the West Traverse Township Zoning ordinance has been met. Dohan seconded. 6 ayes, 1 absent. Chair Hollerith declared the motion adopted.**

Public Hearing – Case #07-2024, Special Use Permit request: a request for special use permit approval as submitted by Wesley Scott Devon to allow for the parcels at 6135 Hughston Rd and 6331 Hughston Rd to be used as a recreational area for Polo matches. The properties are more particularly described on tax parcel #24-16-15-03-200-010 and tax parcel #24-16-15-03-400-005. Submitted by Wesley Scott Devon. Chair Hollerith opened the public hearing at 6:25 p.m. Lane noted the notice for the public hearing ran in the Harbor Light newspaper on August 21 and letters to the neighbors were mailed August 22 according to state law. Lane gave an overview of the case. One letter in support was received along with an email in opposition. Both included in the packet. A soil erosion permit was issued in April of 2024 and a signage permit was applied for and received in July of 2024. Both properties are under the same ownership and are in the A1-A District. It is the intent of the owners to hold Polo matches once per week on Friday evenings 5:00 p.m. to 7:30 p.m.

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between June 15- August 15 open to the public with no attendance fees. Attendees will park in the designated parking areas on the grass in a “tailgate” fashion. The property currently has a private stable but no new buildings are scheduled to be built. Porta-johns will be provided and the property owner has arranged trash removal. The field is being designed by individuals with expertise in that field for the safety of the horses and etc. No height restrictions were noted and set backs are met. Lane stated that the PC’s focus should be on: parking, traffic flow, ingress & egress, noise/PA system, lighting, irrigation/drainage and hours of operation. Lane stated that under his determination, he believes all the requirements relating to the site plans have been satisfied according to the site impact requirements, Section 504.2. lane noted Section 604 the special use permit review standards as well as Section 713 being sections the board should review tonight. Lane noted sample motions were provided in the board packets. The owner, Scott Devon, spoke to their intent for the Polo Field: free to the public, addressed parking, their association with the Bliss Polo Team, no food or beverages will be sold, porta-johns will be available along with trash receptacles, he noted that the neighbors have voiced their support and he informed the board that there may be charity events. Parking will be designated. Mr. Devon answered questions from the board members regarding traffic, would there be a request for a liquor license in the future, anticipated attendance numbers, practices, noise/lighting concerns, ingress & egress, what to do with overflow parking, limiting of attendance, what charities would be benefit from the charity events and etc. Chair Hollerith asked for public comment in support of the Polo Field. Garon Gopigian noted his support but had concerns about parking along Hughston Rd. Jackie Durand spoke in support but had concerns about the number of attendees. Lisa Morris spoke in support and raised the question of handicap accessibility and if Mr. Devon had conferred with the Fire Dept regarding ingress and egress for emergencies. Sue Esser spoke in favor, also noted concerns about traffic and parking. Jim Moreen spoke in favor and questioned if Mr. Devon had spoken with the police dept regarding traffic support. Chris Berry spoke in support saying it will be fun for families. Chair Hollerith asked for any public comments against the petition. Noting none, he closed the public hearing at 7:07 p.m. Board Comments: Hollerith gave an outline of the project. The board discussed various concerns: parking, screening of porta-johns, trash removal, concern for the horses, acquiring approval from state and local agencies. It was decided that more information was needed. The board asked the petitioner to provide the following additional information: a grading plan depicting the topography of the field and property with proposed drainage, an engineered /sealed site plan including the items depicted in the plan submitted, data requirements listed in Section 504 of the Township Zoning Ordinance, location of proposed parking spaces, existing and proposed buildings/structures on the subject property and adjacent properties, any landscaping or screening proposed, all ingress and egress routes and proposed driveways, porta-john location, location of the scoreboard, verification/approval of the proposed driveways/accessways from ECRC and HS Area Fire Dept, permission for the planning commissioners to inspect/tour the site (scheduled through ZA Lane), confirmation that no permits or approvals are needed to house 200+ horses on site during the matches, information on proposed number of event attendees, and corresponding cars, and to complete the SPU application. Lane will work with the

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applicant on the above issues. **Osetek made the following motion: I move to postpone until the aforementioned documents are obtained, Case #7-2024 request for special use permit approval as submitted by Wesley Scott Devon to allow the parcels at 6135 Hughston Rd and 6331 Hughston Rd to be used as a recreational area for Polo Matches. Thompson seconded. 6 ayes, 1 absent. Chair Hollerith declared the motion postponed.**

Other:

- a. Zoning Administrator Report – Lane noted report in packet. Lane informed the board of a ZBA mtg and at the meeting, there was discussion regarding where setbacks were measured regarding second story overhangs.
- b. Township Board Representative Report – Green informed the board of the recent appointments of Ed Taylor and David Berryman to the ZBA. He also conveyed heartfelt thanks from the township board for all the hard work on the part of the PC regarding the Harbor Point PUD and noting that the board unanimously approved the PUD at the last meeting contingent on the rezoning and review and approval.
- c. Correspondence – none

Planning Commissioner Comments (open discussion) – Chair Hollerith brought up the recent case, #05-2024, the keeping and raising of chickens for non-agriculture use. He proposed an addendum for consideration for the township board to review. *“Addendum to Case #05-2024: The Zoning Ordinance allowing the raising and keeping of chickens as a non-agricultural use. The West Traverse Planning Commission recommends waiting at least nine months after approval by the Township Board before the ordinance allowing the raising and keeping of chickens as a non-agricultural use goes into effect so Homeowners' Associations (HOA) have time to review the zoning ordinance and determine whether to adopt/prohibit this ordinance change within their associations. There was discussion about how much time should be considered if at all.”* There were suggestions from 3-6 months up to a full year for review by HOA's. Lane recommended Township board to define the time period.

Public Comment – Jim Moreen had questions regarding chickens in HOA's/POA's.

Next Meeting: Planning Commission Regular Meeting October 9, 2024, at 6:00 p.m.

Adjournment: **Green made the motion to adjourn at 7:40 p.m. Forster seconded. All ayes.**

Respectfully Submitted by:
Jim Osetek, Secretary

Transcribed by:
Amy Peters

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Kathy Erber - resident at 8103 S Lake Shore Dr Emmet Beach & Bluff Assoc.

I want to address the public comments made at the August 14th Planning Commission meeting. The minutes reflect comments made by a Pine Trail resident and a Forest Beach resident concerning illegal tree trimming on the bluff. In a previous letter submitted to the full board of West

Traverse Twp, the Pine Trail resident specifically targeted Emmet Beach and Bluff residents for conducting illegal tree trimming.

I would like it noted that Emmet Beach & Bluff Assc has a legal tree trimming agreement in place with Forest Beach Assc. and Pine Trail Assc. We have a tree trimming committee that includes representation from each association. We utilize the counsel of a certified arborist, Ben Veling, to ensure any of the approved trimming and cutting is done with the protection and stability of the bluff first and foremost. The negative comments made and published appear to be an emotional response and not based in facts. It also appears that these comments are the basis of the review and possible enactment of the Shoreline Bluff Protection Ordinance.

We, my neighbors and I, are not here to discuss the specifics of the Ordinance, offer support or our lack of support. We are here to address the inaccurate accusations of illegal tree trimming and would like to offer our participation in the review of the Shoreline Bluff Protection Ordinance.

We would appreciate an update on the status of the Ordinance review.

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