

**WEST TRAVERSE TOWNSHIP
REGULAR PLANNING COMMISSION MEETING
MARCH 20, 2019**

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

Roll Call: Baiardi, Gorman, Uutinen, Mooradian, Moore, Wallin, Repasky.

Visitors: Elaine Keiser, Tom Adams, Mary Catherine Hannah, Ken Ostrowski, Kelley Newton, Steve Schnell, David White, Sue Matsko.

The Pledge of Allegiance was recited by all.

Approve Agenda: The agenda was approved as presented by consensus.

Public Comments: Ken Ostrowski and Kelley Newton introduced themselves as residents of Perry Farm as well as members of the Perry Farm Home Owners Association.

Approve Minutes: **Uutinen made a motion to approve the meeting minutes of February 13, 2019 as presented. Baiardi seconded the motion.**

Vote: All yes.

OLD BUSINESS

Final Site Plan Memory Care Unit, Perry Farm Village, Case #1-2019: Elaine Keiser presented the new plans which have been updated with the changes that were requested at the last meeting. Keiser had copies of changes that were not on the plans that had been distributed to the Planning Commissioners prior to the meeting. She went over each page of the plans and pointed out what the changes were that the Commissioners did not have. Some of the plans from prior meetings were included in the discussion, but there were no changes to those particular plans. The units in Building 7 were changed from 6 units to 2 units. The number of required parking spaces were changed due to the schedule, which would be 39 spaces required and they will have 99 total spaces provided. The backup spaces between the Memory Care Unit and Building #6 have increased in size to 20' wide by 18' deep. These spaces are also being moved 5' further away from Building #6. It was confirmed by the Road Commission that the Road Right of Way could be measured from the center line of both Cemetery Road and Lake Road. Benchmark added calculations to the Site and Grading plan which shows their drainage calculations were calculated for a 50 year storm. She stated that two trees have been removed from the landscaping plan from the retention area, so there will be 33 trees added instead of 35.

Steve Schnell had presented his updated written report regarding his finding of facts and this was reviewed. He clarified that the density calculations are being converted to square footage instead of units and this was discussed. John Cupps, Harbor Springs Fire Chief, did submit a letter stating that he had no objections to what was being proposed with the new building. Repasky wondered where Benchmark got their number of 3.9" for the 50 year storm calculations because he came up with a

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different number which was 5.8". He would like Benchmark to submit a letter as to how they came up with their calculations. Repasky pointed out that the 50' setback on the plans does not meet with what is supposed to be there. Keiser stated that the 50' line is off because the road is not exactly straight so the right of way line is off, also. Schnell read Section 727:5 a, from the Zoning Ordinance: *"The setback maintained along the perimeter of the PUD shall be at least a 50' buffer strip. The Planning Commission may require a greater perimeter setback in order to assure that the use does not negatively impact adjoining property outside the PUD. The Planning Commission may also reduce the required perimeter setback on the road side upon finding that the reduced setback will not be detrimental to the public health, safety or welfare of the future occupants of the PUD, surrounding neighborhood or the Township as a whole."*

Repasky stated that there had been prior conversations regarding putting in a sidewalk on the west side of Perry Farm along Cemetery Road, but the sidewalk is not on the new plans. Wallin said that he sees a lot of people walking on Cemetery Road and he thinks that from a safety aspect, he would like to see a sidewalk put in. Moore said that he agreed that with the possible increase in use of the driveway coming out of Perry Farm on Cemetery, it would make more sense to have a sidewalk there. There was discussion regarding receiving an easement from Perry Farm for a sidewalk along Cemetery Road. Mr. Ostrowski stated that he did not think that the sidewalk is necessary going up the hill. He also said that it would make sense to have a sidewalk from the Cemetery Road entrance south to meet the other sidewalk running along the front of Perry Farm. He thinks that the upper part of the property is just too steep for a sidewalk.

Baiardi wanted to know what was being done with the units in Building 7. At this time, the six units are being counted as two as far as the density goes. Adams stated that whatever they do there, it will not be any more than two units. There are no concrete plans for that space at this time. The current residents will remain there until the new Memory Care unit is completed and then they will be moved over there. Nothing can be done with that space until Perry Farm applies for a different use at some time in the future.

Baiardi made the following motion:

Motion to recommend that the West Traverse Township Board of Trustees approve the proposed 4th amendment to the Perry Farm Village PUD that provides for the addition of a 20 bed Memory Care/Assisted Living Facility based on the Findings of Fact contained in the 14 page Planner Report dated 3/19/19 with the following conditions:

CONDITIONS

1. The original PUD Agreement, as previously amended by the First, Second and Third Amendments, is further amended by the proposed Fourth Amendment and except as expressly amended by this Fourth Amendment, all provisions, terms and conditions of the original PUD Agreement between the parties, shall remain in full force and effect.
2. The Planning Commission is requiring a complete set of double stamped plans within twelve months of the Owner/Developer receiving the certificate of occupancy permit from the Emmet County Building Department.

Approval of the proposed project shall be subject to the following conditions:

- A. Compliance with Soil Erosion & Sedimentation, Michigan Uniform Construction Code and Health Dept.
- B. Compliance with any Federal or State licensing that may apply to the proposed use. Article 5, Section 506:K, Article 7, Section 727:3E, Section 727:5.
- C. Township Legal Counsel review and approval of Amended & Restated Master Deed of the Perry Center at Perry Farm Village dated 02/15/2018 for compliance with the West Traverse Township Zoning Ordinance dated 3/1/2018 and conditions of approval prior to occupancy of the new building.
- D. Township Legal Counsel review and approval of Amended and Restated Declaration of Covenants and Restrictions for Perry Farm Property dated 2/15/2018 and Amended and Restated Condominium Bylaws for the Apartments at Perry Farm Village, the Cottages at Perry Farm Village and the Perry Center at Perry Farm Village dated 2/15/2018.
- E. Upon completion of the Memory Care Facility, the residents occupying the six beds in the Perry Center will be transferred to the Memory Care Facility and there will not be any use of the Perry Center six bed area until such time as the Owner requests, and is granted, an amendment to the PUD that will specify the new use. Article 7, Section 727:9B
- F. Lots 1, 8/19, 9/20, 10/21, 11/22, 14, 16 and 18 will be combined into the common property of the development and shall be recorded with the County Register of Deeds so they will be assured of remaining undeveloped. Copies of recorded documents will be provided to the ZA. Article 2 **OPEN SPACE IN A PLANNED UNIT DEVELOPMENT.**
- G. An adequate sidewalk easement will be provided to West Traverse Township that will commence at the Southwest corner and continue north to the Northwest corner of the Perry Farm Village property. Developer will install a four foot sidewalk that extends from existing sidewalk on Lake Rd. and north to the north side of the Perry Farm Village Cemetery Rd. entrance.
- H. Landscaping and vegetation to be maintained in a healthy living condition. Article 7, Section 727:14, A4
- I. Signage will require a separate application and permit.
- J. Density calculations used will be those provided by the Planner in the 3/19/19 report, based on square footage (Item #5 of Findings). The calculations on the 3/11/19 A1.1 print, provided by the applicant and based on units, will not be used for density calculations.
- K. The applicant will provide a letter from Benchmark Engineering indicating the source of the Drain calculation presented.
- L. The westerly side fifty foot setback is relaxed to forty one feet allowing for consideration to the imprecise boundary line of Cemetery Road.
- M. Services provided on the premises are for residents of the PUD only and their non-paying guests. It is not a permitted use to sell memberships and allow restaurant use by customers who are not residents. It is also not permitted to sell health club memberships, meal plans, provide transportation services or other services to members of the general public who are also not residents of this PUD. No services may be provided on site which are intended for the general public including but not limited to salon services, massages, wellness consultation/classes, use of the community space, meal purchases, access to transportation services or other activities

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provided on site. (These are currently offered on the Perry Farm Village website but are not approved uses.) Article 6, Section 606:A5, Article 7, Section 727:4, Section 727:15.

Moore seconded the motion.

Schnell brought up the subject of the prior amendments to the Perry Farm PUD. His opinion was that this fourth amendment would supersede the prior amendments. There was discussion regarding this issue, but the Planning Commission decided to leave the subject of the prior amendments intact as noted in the motion.

Mooradian pointed out that the newest Perry Farm Master Deed and Covenants are not being used in the determination for this fourth amendment because they have not been approved by West Traverse Township.

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

Proposed Zoning Amendments: No discussion on this subject.

Master Plan Review: This is just a reminder to the members that they will be reviewing the Master Plan in the coming months.

NEW BUSINESS: None.

Zoning Administrator's Report: David White had submitted his written report.

Township Board Representative Report: No report.

Planning Commissioner Comments: Mooradian reviewed an upcoming class for Planning Commissioners.

Public Comments: Hannah said that she is part of the Little Traverse Bay Housing Partnership and she would like to be able to have someone from this committee come and speak to the Planning Commission.

Adjourn: The meeting was adjourned at 9:30 p.m.
The next regularly scheduled meeting is April 10, 2019 at 7:00 P.M.

Submitted by:

Dawson Moore, Secretary

Transcribed by:
Susan Matsko
Township Secretary

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