

**WEST TRAVERSE TOWNSHIP
PUBLIC HEARING AND REGULAR PLANNING COMMISSION MEETING
NOVEMBER 8, 2017**

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

Roll Call: Baiardi, Gorman, Opfermann, Kennard, Wallin, Repasky, Sarowski.

Visitors: Neil Ahrens, John Baker, Paul Mooradian, John Fergus-Jean, Justin Bassett,
Joe Graham, Randy Frykberg, Sue Matsko.

The Pledge of Allegiance was recited by all.

Approve Agenda: **Wallin made a motion to approve the agenda as presented. Repasky seconded the motion.**

Vote: All yes.

Public Comment: None.

Approve Minutes: **Baiardi made a motion to approve the meeting minutes of October 11, 2017 as presented. Wallin seconded the motion.**

Vote: All yes.

Public Hearing on the Proposed New Zoning Ordinance: The Public Hearing was opened at 7:04 p.m. Randy Frykberg, West Traverse Township Zoning Administrator, reviewed the summary of changes in the New Zoning Ordinance and what the process was to get to this point. There were changes in all 10 Articles of the Zoning Ordinance. A lot of the changes were made to make the Zoning Ordinance compliant with the Michigan Zoning Enabling Act as well as the Michigan Right to Farm Act. There were also changes made to language just to make it easier to understand and at times to make a clarification. Paul Mooradian wanted to know what vertical zoning is. Frykberg stated that when there is a setback, it does not just apply to the foundation, it also applies from the ground up. Mooradian pointed out that the zoning map should be included in the proposed new Zoning Ordinance. Mooradian had questions about retail uses removed from residential districts, and public demand standards. There were multiple tables added which were not in the old Zoning Ordinance, but these were added to make it easier to understand. Mooradian stated that he would like to see more than one Public Hearing on the New Zoning Ordinance in order to be able to go over more questions from the public. Neil Ahrens had some questions regarding Home Businesses, Home Occupation and Home Offices. He thought that some types of Home Based Businesses had been eliminated or singled out. It was pointed out that none of that was changed and he had just misunderstood the table. John Fergus-Jean thought that an artist studio should be allowed with just a permit and not a special use. Joe Graham had questions regarding farming in residential districts. He thinks that it should be allowed by permitted or by special use permit in the R-1 and R-1-A zones. He referred to the county zoning which allows farming in residential areas with certain restrictions. Sarowski stated that the

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latest changes to the Right to Farm Act say that if the township were to allow farming in residential districts, it could not be restricted in any way. If farming was allowed in residential districts, any type of farming would have to be allowed. The Township does not want to see all types of farming in all residential areas, so they had to say no farming at all. Mooradian had a question regarding the definition of “development” and the words “or the use of open land for a new use”. Frykberg explained that it is described when a zoning permit is needed in a development plan. It is to clarify that it is not just when you are doing a structure, but if the use is being changed for vacant land, a permit is required. Mooradian also had questions about the definition of “dwelling unit”, which were answered by Fryberg. He thought it should be reviewed further. It was pointed out that there had not been any changes to that definition; it was the same in the old zoning ordinance. Graham had a question about having a garden in his yard if all farming is prohibited. Sarowski stated that having a small garden would be allowed. Fergus-Jean talked about residences in residential when talking about home occupations.

The Public Hearing was closed at 8:12 p.m.

Discussion of Keeping Non-Domestic Animals in Residential Districts: Graham wanted to know why he had received a letter regarding his chickens. It was explained that no one goes around and inspects properties to make sure they are following the zoning ordinance. The only way that the ordinance is enforced is by someone calling in with a concern. At that time, the Zoning Administrator goes out to look at it. At this time, the zoning ordinance does not allow chickens or any other type of non-domestic animals in any of the residential districts.

OLD BUSINESS:

Deliberation on the Proposed New Zoning Ordinance: Kennard stated that he wasn't so sure that everyone had reviewed the New Zoning Ordinance in depth because there wasn't much deliberation at the last meeting. He said that he has some problems with some terms that were judgmental or could cause trouble for the Zoning Administrator to enforce the Ordinance. He had only given consideration to the 20 or so pages of the Ordinance that he had been asked to specifically review, so he feels that there are possibly more problems in the rest of the Ordinance. He felt that most of the Commissioners were focused on the content of the Ordinance and not necessarily the old fashioned terms that are used. Baiardi said that part of the problem could be how people in different age groups read the Ordinance. Wallin felt that the document will never be perfect. There are always things that can be changed, but right now he thinks that it is more user friendly and works well. Gorman agreed that the document will never be perfect, but the Commissioners did the best they could along with the consultant who was hired to guide them through the process. It was agreed to continue the conversation on the New Zoning Ordinance at the next meeting in December to work through any further questions from the public and the Planning Commissioners. Kennard is asking the Commissioners to review the New Zoning Ordinance before the next meeting looking for any subjective words or phrases. Sarowski asked Baiardi, Gorman & Opfermann to review the first half of

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the Ordinance for possible subjective terms and Kennard, Wallin and Repasky to review the second half. She will review the full ordinance.

NEW BUSINESS:

Site Plan Review for Mark Perreault at 339 Franklin St. (24-16-15-12-334-101,102,103 and 104):

Mark Perreault has applied for a Site Plan Review for the purpose of building four condominium storage garages in Franklin Park. Frykberg provided an overview of the proposed project. This would be part of an overall complex in the industrial park that was approved on October 10, 2013, but was not built. Frykberg reviewed the Site Plan Review checklist and the Findings of Fact. Sarowski stated that her concern was water drainage off the roof. She questioned whether eave troughs and drain pipes would be included with this building. Kennard pointed out that when it rains, the existing water management system does not work, and it floods. The parking lot that would be shared with this development and is going to be tied with the water management of the new building is going to further exacerbate that flooding that goes on there. They will be adding to a water management system that is already failing. Kennard would like to see a water management plan done by engineering to ensure that it is not going to create more flooding for the existing buildings that are there. There were questions about how similar storage units are being used, which is not for storage.

Kennard made a motion for Mark Perreault's four unit condominium storage garage at 339 Franklin St. (Parcel 24-16-15-12-334-101, 102, 103 and 104), to be approved limited to the storage as applied for and approved only with the contingency of a registered engineer providing a storm water design based on a 50 year storm event and evaluated for the entirety of its downstream collection of the entirety of the existing development. The applicant has to define what the surface area is for driving and vehicular traffic around the building and area marked common element. Gorman seconded the motion.

Vote: All yes.

Zoning Administrator's Report: Frykberg presented his written report.

Township Board Representative Report: No report.

Planning Commissioner Comments: None.

Public Comments: Fergus-Jean appreciates the work the Planning Commissioners have done.

Adjourn: The meeting was adjourned at 9:21 p.m.

The next regularly scheduled meeting will be December 13, 2017 at 7:00 p.m.

Proposed: November 8, 2017
Approved: December 13, 2017

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Submitted by:

Paul Opfermann, Secretary

Transcribed by:
Susan Matsko
Township Secretary

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Approved: December 13, 2017