

## Whitefish Township Planning Commission Minutes Regular Meeting & Public Hearing January 8, 2025

### Regular Meeting Called to Order by Chairman Robert Hughes at 7:02 pm.

- Role call: Commissioners Carol Bowden, Linda Ferguson, Robert Hughes, Glenn Gomery (BOT Liaison) Present. Don Mandeville absent with prior notice
- Approximately 11 public attendees present.
- Minutes: Motion by Gomery to approve the Minutes of November 8, 2024 as presented. 2nd by Ferguson. Discussion: None. All in Favor: Four Ayes, Zero Nays. Motion carried.
- Public Comment: One attendee (Thurston?) spoke, saying he lives within 1500 feet of and has concerns regarding the Application for Special Land Use Approval by landowner Reece at 225 N M123 for the keeping of class II animals, noting his experience with past uses of the subject parcel and adjacent parcels including clay mining and logging, and his drainage and wetland concerns. As well he spoke of his concerns regarding the management, utilization, and disposal of refuse and wastes resulting from the maintenance of animals, and the presence of predator wildlife in the area that may be attracted.
- Old Business:
- Gomery read aloud the parcel #s and parcel addresses for five Applications for Special Land Use Approval for which the PC Initial Review was performed at the November 6, 2024 Regular Meeting, to be heard at the Public Hearing to follow, noting four seek approval of short-term rental and one for the keeping of class II animals, to be heard during the public hearing to follow.
- Master Plan 2024 Update status re: Gomery stated that the required 63-day public review and comment period was opened by the Board of Trustees December 5, and read aloud the published and posted Notice of Public Hearing to be held March 19<sup>th</sup>, 2025, noting it is available on the website, as well as on paper at the community center and the library, encouraging everyone to contribute their input as the master plan update is finalized.
- Motion by to Hughes, 2nd by Bowden to schedule Master Plan 2024 Update Public Hearing for March 19 Regular Meeting. All in Favor: Four Ayes, Zero Nays. Motion carried.

### New Business:

- Zoning Administrator West stated that 14 STR annual renewal applications including the \$200 fee have been received to date, and that approximately ten are due.
- Gomery read aloud the parcel # and address of the one Application for Special Land Use Approval up for Initial Review at this meeting. Applicant Brian Vicente spoke, presenting an overview of the parcel and neighborhood, access from public roads, adjacent parcels land uses and other specifics of his application, answering queries of several commissioners regarding his proposed part time short-term rental use of his single family home in Recreational Forest Zoning District, adjacent to Commercial Zoning District parcels.
- Motion By Gomery, 2nd by Hughes to schedule a public hearing for this application March 19, 2025, 7 pm. All in Favor: Four Ayes, Zero Nays. Motion carried.
- Motion by Gomery 2<sup>nd</sup> by Hughes to recess regular meeting. All in Favor: Four Ayes, Zero Nays. Motion carried.

### Regular Meeting Recessed at 7:26 pm

### Public Hearing called to order by Gomery at 7:26 pm

- Role call: Commissioners Carol Bowden, Linda Ferguson, Robert Hughes, Glenn Gomery (BOT Liaison) Present. Don Mandeville absent with prior notice
- Approximately 11 public attendees present.
- Gomery stated that the purpose of this public hearing is for the planning commission to receive public comment regarding the five applications for special land use approval that were read into the record previously.
- Public Comment: No spoken comment was offered. Gomery read aloud the three written comments received, noting two were for the application on Cemetery Road and one for the application on Shelldrake River Road, stating that both applications are seeking approval to operate a short-term rental in the Recreational Forest Zoning District, and, that regarding the Cemetery Road location one letter is in support: "... This letter is in regards to your hearing on Wednesday, January 8, 2025 in regards to a "Special Land Use Approval" by a landowner within 300 feet on my Property. The Landowner is D'Angelo, 16 586 011 00 30590 W. Cemetery Road. I am strongly in favor of Approval of this property to be used as a Short Term Rental." and one letter expresses the concerns of an adjacent landowner regarding beach use: "... Although we feel Dino will be a conscientious rental host, we have concerns renting from this location may set some undesirable precedents, most notably protection of the shore... We feel that the Township short term rental regulations be updated to "preserve and retain the residential community character", as stated in Section 6.10 Purpose paragraph and provide for better enforcement and protection of all natural features before approving any short term rentals along any shoreline in the Township... As township zoning regulations state, "the transient nature of occupants of short term rentals makes continued enforcement regarding occupants difficult." We are aware there is a state law prohibiting motorized vehicles on any lake shore but would like to see Township regulations reinforce this. With the increase of side by side vehicles in the area, this is a concern..."

Applicant Dino D'Angelo spoke, stating that his proposed STR use will be a separate living unit within the same structure he and his family occupy year round, and will be present to oversee any activity by his rental guests.

Regarding the application by Johnson on Shelldrake River Road, Gomery summarized the one letter received already read aloud, noting it is in objection, from an across the river landowner citing the wildlife in the area, his concerns as to noise, disruption to peace and tranquility, and other concerns as to his past experience: "...Our concern is that tourists may not

respect the beauty of the natural area and could disrupt the habitat and natural areas of the flora and fauna. Further more we have concerns regarding the noise... as many town who deal with tourism experience, there is a general lack of ownership and personal responsibility where a guest is not as invested in the area or its preservation, and may therefore act in ways not in keeping with the preservation of the area or respect for those who are invested. However, we do not feel that we can take a person's rights away for what they wish to do with their property. We trust the Planning Commission will make the best decision based on our concerns."

The three written comments were added to the two application packets, for filing.

- Motion by Gomery, 2nd by Hughes to close the Public Hearing. Discussion: None. All in Favor: Four Ayes, Zero Nays. Motion carried.

**Public Hearing Closed at 7:37 pm**

**Regular Meeting Called Back to Order by Chairman Robert Hughes at 7:37 pm**

- Role call: Commissioners Carol Bowden, Linda Ferguson, Robert Hughes, Glenn Gomery (BOT Liaison) Present. Don Mandeville absent with prior notice

- Approximately 11 public attendees present.

- Commissioners again reviewed and discussed each of the applications while discussing the written comments received.

- Zoning Administrator West cited Zoning Ordinance SECTION 8.06 PLANNING COMMISSION ACTION

"The Planning Commission shall review the application for a special use permit in reference to the standards and findings required herein and in relation to the information provided at the public hearing. The Planning Commission may request additional information it deems necessary to make a decision. The Planning Commission shall grant, approve with conditions or deny the application for a special use permit."

- Commissioners voted by roll call whether to Grant, Approve With Conditions, or Deny each application individually:

Johnson	16 278 003 00	13561 N Shelldrake Rv Rd
D'Angelo	16 586 011 00	30590 W Cemetery Rd
Harper	16 227 047 35	7550 N Fox Tracks Row
Reese (class II animals)	16 182 007 00	225 N M123
Harrison	16 222 058 00	8674 N Whitefish Pt Rd

- By Motion and Roll Call Vote: Carol Bowden, Linda Ferguson, Robert Hughes, Glenn Gomery (BOT Liaison) all Yes, **Johnson was Approved With Conditions:** This Special Land Use Permit is not effective until receipt of the \$200 "Upon Issuance" fee. This Special Land Use Permit is subject to all provisions in 2024 Zoning Ordinance Section 6.10, including annual renewal and water test reporting. Applicant to provide evidence of House Rules posted in the rental space, and within any advertising, addressing the noise concerns of neighboring landowner.

- By Motion and Roll Call Vote: Carol Bowden, Linda Ferguson, Robert Hughes, Glenn Gomery (BOT Liaison) all Yes, **D'Angelo was Approved With Conditions:** This Special Land Use Permit is not effective until receipt of the \$200 "Upon Issuance" fee. This Special Land Use Permit is subject to all provisions in 2024 Zoning Ordinance Section 6.10, including annual renewal and water test reporting. Applicant to provide evidence of clearly visible lot markers &/or signage delineating the two neighboring lakefront property lines at the high bank on the shore. Applicant to provide evidence of House Rules posted in the rental space, and within advertising, addressing the potential trespass concerns of neighboring landowners.

- By Motion and Roll Call Vote: Carol Bowden, Linda Ferguson, Robert Hughes, Glenn Gomery (BOT Liaison) all Yes, **Harper was Approved With Conditions:** This Special Land Use Permit is not effective until receipt of the \$200 "Upon Issuance" fee. This Special Land Use Permit is subject to all provisions in 2024 Zoning Ordinance Section 6.10, including annual renewal and water test reporting.

- By Motion and Roll Call Vote: Carol Bowden, Linda Ferguson, Robert Hughes, Glenn Gomery (BOT Liaison) all Yes, **Reece was tabled to the March 19<sup>th</sup> Regular Meeting:** Motion by Gomery, second by Bowden to Table this application, for the the March 19 Regular Meeting, requesting additional information it deems necessary to make a decision: "Provide the name of the regulatory agency(s) for farm waste removal and the specific regulatory guidelines for such."

- By Motion and Roll Call Vote: Carol Bowden, Linda Ferguson, Robert Hughes, Glenn Gomery (BOT Liaison) all Yes, **Harrison was Approved With Conditions:** This Special Land Use Permit is not effective until receipt of the \$200 "Upon Issuance" fee. This Special Land Use Permit is subject to all provisions in 2024 Zoning Ordinance Section 6.10, including annual renewal and water test reporting. Applicant to provide water test report before any occupancy by the public.

- Motion by Hughes, 2<sup>nd</sup> by Bowden to adjourn Regular Meeting. All in Favor: Four Ayes, Zero Nays. Motion carried.

**Regular Meeting Adjourned at 8:15 pm**

Approval Signatures and Date Signed:

Hughes: \_\_\_\_\_

Ferguson: \_\_\_\_\_

Bowden: \_\_\_\_\_

Gomery: \_\_\_\_\_