

**Lake Township Planning Commission**

**Wednesday May 14, 2025**

**4988 W. Kinde Rd, Caseville MI 48725**

The meeting was called to order at 6:05 p.m. by Siver at the Lake Township Hall.

**Roll call:** Keith Hoffman, Tim Quinn, Nicole Collins, Bob Siver present. Matt Pryor absent.

Eleven (11) virtual guests and four (4) in-person guests.

**Approval of Agenda:** Motion to approve agenda as it is written by Siver, seconded by Quinn.

**Approval of Minutes:** Siver indicated he made additions to be included in the minutes and wanted it noted that Commissioner Babcock did not just send the letter to State Senator Dan Lauwers, State Representative Greg Alexander and Jeff Smith but said that they considered Mark Eidelson's recommendations to be over the top. Also wanted noted that Commissioner Babcock stated she never has read the Lake Township ordinances and to also make notation that Trustee Kapa agreed that the planning commission needs to abide by the zoning ordinance. Hoffman asked whether all of that was stated during that meeting. Siver responded yes. Motion to approve changes and the approval of Minutes for April 23, 2025 by Siver, seconded by Collins. All in favor, motion carried.

**Public Comments**

Mark Anderson stated that one of the statements in our last minutes was inaccurate. He never said anything about not enforcing short term rentals, he said that the neighbor that is complaining about them is a short-term renter and so it was misworded in our minutes.

Julie Mozdzen asked if that will be adjusted in the notes. Siver replied yes.

Public Comments closed by Chairperson Siver

**Reading of Correspondence**

Letter from LARA read aloud by Chairperson Siver. The Enforcement Specialist from LARA indicated in the letter that "the security plan the licensee provided to the Commission does not mention a lighting requirement. Furthermore, it is not indicated in the Commission's Order. If the licensee is in violation of an ordinance, you should follow the Port Austin (sic) procedures in issuing a violation."

**ZBA Minutes of March 27, 2025.** Hoffman stated ZBA meeting from March 27, 2025 was regarding Kilgus and variance to the front setback. The ZBA board passed a motion with conditions pertaining to the retaining walls that were built. A five (5) foot front setback variance was granted. Kilgus must comply to the rear setbacks and the retaining walls need to be addressed and resolved. They need to be taken down based on what our ordinance states.

## **New Business**

The required permit for Campers/Trailers should clarify 14 consecutive days, based on the ordinance Section 20.7. Hoffman and Siver suggested that we have Terry Kelly, Zoning Administrator attend the next planning commission meeting so they have the accurate number of Campers/Trailers this involves. Hoffman suggested more flexibility on days of permit. Motion by Collins to table, seconded by Quinn. All in favor, motion carried.

**Approval of Planning Commission 2024 Annual Planning Report:** Motion by Quinn to approve the Annual Report, seconded by Collins. All in favor, motion carried.

**Planning Commission Rules regarding Public Comments:** Quinn stated public comments should be limited to three minutes and require a person's name and address. There is no back and forth, public comments, only. Siver agreed with Quinn on the three-minute limit for Public Comment with two public comment times on the agenda.

Hoffman stated that three to five minutes should be allowed and if someone thinks they are going to be longer, to let the chairperson know beforehand. Siver stated that a name be given with an address so this lets us know what township they live in. Virtual attendees will be on permanent mute and need to identify themselves in the message section. People will only speak when recognized by the Chairperson. The planning commission will reserve the right to invite individuals to participate in discussions at the planning commission's discretion.

Hoffman added that folks need to be respectful. Collins agreed. Motion by Collins to approve updated Planning Commission rules, seconded by Quinn. All in favor, motion carried.

## **Old Business**

Siver wanted to clarify some of the issues with the Driftwood Lavendar Farm PUD process and the applicants' claim that the Township forced them into a PUD. Siver read certain information from documents received from Lake Township's consultant regarding the issues and concerns he had regarding the PUD plan for the Lavender Farm. Siver also read aloud documentation from the applicants of the Lavender Farm. Siver indicated that Mark Eidelson of Landplan Inc., Lake Township's Planning Consultant, had been communicating with Tory Geilhart, former Building/Zoning Administrator for Lake Township, with regards to Driftwood Lavender Farm at 6789 Oak Beach Road and the PUD application that was required and read from a September 21, 2020 correspondence from Eidelson to Geilhart.

Siver stated that Tory Geilhart was the only Township Official that was in contact and who had any communication with the Lavender Farm. No other officials were copied in on any correspondence or discussions at that time.

Siver continued with a historical review of the original application. On May 9, 2021 a Zoning Permit Application for a PUD was received from the applicants. The detailed description of the application and what was proposed to Lake Township was for a Lavender Farm, Retail Shop,

Wine Tasting, and Three (3) Bedroom Home all to be operated by Owners (Mark Anderson and Alicia Tatham), no additional employees. Principal products for sale will be lavender and lavender products. Hours of operation 11:00 a.m. - 12:00 p.m. to 5:00 p.m. - 7:00 p.m. Approximately ten (10) vehicles maximum in parking lot at any given time. A letter of intent was received dated May 18, 2021 was part of the application describing the applicants intent for the property.

A Zoning Ordinance Amendment Petition was received to change zoning from commercial to PUD dated May 19, 2021.

An email dated May 26, 2021 between Mark Eidelson and Tory Geilhart indicated that Mark was following up on a phone conversation he had with Tory regarding the procedures involved in processing a PUD application.

At the July 28, 2021 PC meeting, members reviewed Mark Eidelson's comments regarding the proposed PUD. The applicants were encouraged to rework their site plan and to show more detail as to the commercial aspect of the project. They were asked to provide as much information as possible and to resubmit.

On August 8, 2021 the applicants submitted a response to Eidelson's July 28, 2021 correspondence.

On August 25, 2021 Geilhart sent a letter to PC members indicating that on August 9, 2021 he received a revised version of the Site Plan and supporting documents from Mark Anderson and Alicia Tatham. The revisions were promptly forwarded to all members of the Lake Township Planning Commission for their review. PC Chair Siver, Supervisor McCallum, PC Member Nicole Collins and Geilhart met on August 19, 2021 to review the site plan submitted and discuss any concerns. Geilhart informed applicants of concerns as to the site plan not being to scale, lack of detail in the text regarding specific waivers, etc. Applicants felt they had made the necessary revisions required for a preliminary review.

At the August 25, 2021 planning commission meeting further discussion was held with the applicants who joined via telephone.

A Public Hearing was held December 2021. Siver read aloud Mark Eidelson recommendations and concerns with regards to the Lavender Farm and the PUD.

The Township received a letter from Driftwood Lavender Farm's, Legal Counsel Mr. Schultz on February 16, 2022 listing changes that the Lavender Farm was requesting in regards to their PUD Application.

On March 12, 2022 a letter was received from Lake Township's Consultant (Mark Eidelson) in response to the Mr. Schultz's letter of February 16, 2022.

On March 19, 2022 a letter was received from Attorney Gregory Stremers representing the applicants.

PC member Hoffman indicated that his concerns were that every time they met with Tatham and Anderson, they were changing what they wanted to do and it wasn't clear. He stated his caution is they are going to have special events when they know they are not supposed to and just disregard what was agreed to. Also stated that it so vague in so many areas when they want to change things. The applicants need to be clear as to where they are going and what they want to do. If there was a true clear business plan, then everything that they wanted to do would be in there. Suggested Tatham and Anderson give the planning commission a plan that makes sense and doesn't have 8,000 holes in it and can't be interpreted in so many different ways.

PC member Quinn asked what needs to be done to keep this matter moving forward? Siver's response was to have the Township's legal counsel review this due to the multiple violations that have gone on unaddressed.

Hoffman and Quinn both suggested to let them submit their revised site plan and to allow them to provide clarity to the plan and more information for the PC members to review.

Siver indicated that the PC should have Lake Township's legal counsel take a look at any pertinent information to see if we need to take any action to avoid a liability for the Township. Motion by Hoffman, seconded by Collins for legal review. All in favor, motion carried.

### **Public Comments**

Randy Armstead-(Whippoorwill Haven) would like old rule for nonconforming lots to be put back in the zoning ordinance, the 80% rule.

Mark Anderson-(6789 Oak Beach Rd) stated that when they purchased the property they had Township Officials out to the site; Bob, Val, Clay and Tory. Tory was the Building and Zoning Official at the time. There was nothing on the books that would allow them to do what they wanted to do. Tory suggested, as well as other officials, to go as a PUD. Anderson had never heard of a PUD before. He went with it based on what Tory recommended. If it was the wrong thing to do, maybe they could change it. They put together a security plan based on what was required by the Liquor Control Commission with regards to cameras and lighting. Nick from (LARA) was the investigator that approved the lighting. He stated all they are asking for is an amendment of the conditions. Anderson stated they were not able to answer the questions the PC members had in the last meeting as they felt they were shut down with no response. He felt they responded to Mr. Eidelson's letter the best they could and were hopeful that they could have a discussion with all the PC members. He felt they were not given an opportunity to clear this up. There were only three or four questions they could not respond to and felt they totally were shut down and feels it is unfair.

Julie Mozdzen referred to the Lake Township's lighting ordinance and read aloud. She said it was suggested at the last meeting that someone from the Township sit down with the applicants and assist them in order to move forward. Mozdzen also stated she feels if public comments are not for discussion, a side meeting should be scheduled to deal with the issues as everyone needs to respect each other and work together.

Mark Mozdzen stated at the last couple of meetings he doesn't understand that being a public meeting there is no input. He stated the planning commission changed the rules for the public comments without the public voting on it.

Kenny Kapa, 3545 Port Autin Road (virtually) stated to Siver that if he is going to quote him, then he needs to quote everything he says. He feels the public should be able to ask questions during meetings and to get answers.

Val McCallum (Supervisor) indicated that public comments are just that. If they have questions they need to come into the Township office.

Alicia (virtually) addressed Bob and stated they did submit a plan on October 20, 2021. Alicia told Keith Hoffman she really appreciated how spot on he was during the ZBA meeting they attended. She stated that they are not violating any ordinance.

Motion to adjourn by Collins, seconded by Quinn. All in favor, motion carried.

Meeting adjourned 8:35 p.m.

Recording Secretary