

D R A F T
Whitewater Township Planning Commission
Minutes of 10/06/10 Regular Meeting

Call to Order

Chairperson, Zakrajsek, called the meeting to order at 7:01 p.m.

Roll Call

Members Present: Lyons, Miller, Courtade, Mangus, Zakrajsek

Members Absent: Boyd and Savage – excused

Also Attending: Zoning Administrator Meyers plus 13 members of the public

Set/Adjust Agenda

Switch Old Business and New Business for the convenience of members of the audience there for the New Business.

Approval of 9/1/10 Regular Meeting Minutes

Motion by Courtade to approve minutes, seconded by Lyons

Motion carried 5-0

Conflict of Interest: None declared

Public Hearing – Public hearing announcement posted September 16, 2010.

Five issues will each be opened, discussed and closed individually.

1. **Saco request for Retail and Outdoor Sales – 9009 E. M72, opened at 7:05 p.m.**
Frank Saco, Resale Shop with inside and outside sales in the current Arizona Steak House building. Outside sales on sidewalk only.
Outside items would be taken inside each night. Proposes to change current signage.
Not a consignment shop.
No public comments regarding this. **Closed at 7:10 p.m.**

2. **Sanford Request for Day Care Center – 9129 Old M72, opened at 7:10 p.m.**
Pre-meeting in January 2010. The Day Care building will be adjacent to Mill Creek School. Fred Campbell presented building information with an updated site plan. Site plan shows the building back about eighty feet compared with original site plan submitted, keeping side yard distances the same. It will be a one story building on a crawl space, wood frame, sided, shingled roof. It will be owned by the Deans and run by Sanford. Will occupy 30 children under Michigan State licensing, with a fenced in area at the rear. There will be a wood mulch path connecting to the Mill Creek School parking lot. Parking at the front of the building, 10 spaces with one handicap. Entrance will be dictated by the Grand Traverse Road Commission. Retention and soil erosion is dictated by Grand Traverse County. Landscaping, keeping mature tree (s) and adding major trees. They will be tearing down the existing building. Lighting is included on the new site plan. Signage will be limited to a simple two sided 6x6 pole mounted sign. Both entrances will be handicap accessible as it is a Fire Marshall requirement. The primary entrance will be the front entrance with no staircase access. Question regarding possibly connecting Day Care driveway with the school driveway. With the close proximity of the school parking lot, most people who will need to access both will probably just park in one and walk to the other, which will be almost like having front and rear parking. Initially planned for 39 children. Due to necessary teacher / student ratios it will be at 30. No public comments regarding this. **Closed at 7:20 p.m.**

3. Zoning Ordinance – Article 17, Administration, open at 7:20 p.m.

Meyers: Township Board requested that the next time there was a Public Hearing at the Planning Commission that they would consider changes to Article 17 to remove responsibility of the Township Board from having to approve land use permit forms. While working on Article 17 we also clarified language, permits, requirement of inspections, responsibilities of the Zoning Administrator and previously discussed matters. She clarified and simplified the language as requested by the PC at the last meeting.

No public comments regarding this. **Closed at 7:24 p.m.**

4. Zoning Ordinance – Article 37, Temporary Buildings and Uses, opened at 7:24 p.m.

Meyers: This began a request by the Zoning Board of Appeals. ZBA has granted 16 variances allowing use of existing houses on property while construction of a new house is being done. ZBA has requested a provision to allow people to do so. The discussions expanded and temporary structures (for example a fifth wheel) as temporary dwellings were considered. This would allow for the use of a temporary dwelling while constructing a permanent structure. The discussions further led to the consideration of allowing temporary camping on property with certain conditions such as with proper sanitary facilities. Further the ordinance additions include temporary construction work trailer, special event activities, for example a circus, concert or business tent sale. A fee schedule would be determined in the future. There will be an agreement form for temporary structures and existing structures that will require performance guarantee with the Township for an amount that would cover the cost of removal of the structure. Article 37 is a newly proposed section that the Zoning Ordinance. Titled “Supplementary Provisions” which can be added to in the future.

Commission discussion: The Township does have the right to have a structure removed but currently would have to jump through a lot of expensive legal hoops. The Township would hold the money or there could be an irrevocable credit from a local bank, funds in reserve. Township Board will have to approve and then we would set a fee schedule. We don't want to hinder people from doing the building but we don't want to cut ourselves too thin. It shows Township's seriousness on the matter.

Property owner, Scott Carter, sent an e-mail questioning the ability to put up a pole barn type structure with temporary living facilities while building a new home.

The concern of that someone would end up with two homes/dwellings/residences on one piece of property.

Zoning Administrator was not previously directed to add any language regarding this subject and it is not included in Article 37 at this time. This subject could be discussed at a future date and guest houses, granny flats, and mother-in-law quarters would all be included in that discussion.

John Lucsy supports being able to put up a pole barn on a piece of property prior to .

No further public comments regarding this. **Closed at 7:40 p.m.**

5. Zoning Ordinance – Article 6, Permitted Uses, opened at 7:41 p.m.

Meyers: This adjusts the language in Article 6 to coincide with Article 37, should Article 37 be approved and move forward.

No public comments regarding this. **Closed at 7:43 p.m.**

Reports:

Correspondence: Meyers: Copy of the response letter to the Ferguson letter as directed at the last meeting. We received no response to that letter which was sent out on September 6, 2010.

Zoning Administrator: We had six permits last month, plus two land divisions. There will be a November ZBA meeting, which will be November 10, 2010.

Each year the county takes award of nominations and on behalf of the Township we would like to send in an application for the outstanding development award. There has not been a lot of development in our area in 2010. One thing that did happen is the drive change at the Casino, moving the entrance, making it safer. We would like to put in a submission for the Tribe to receive the reward for changes at the entrance of the Casino.

Motion by Lyons to approve submission of the Tribe for the reward, seconded by Miller.

Motion carries 5-0.

Chair: Nice to see people in the community doing things and it is nice to see so many people here for the meeting, hope it all works out for everybody and we can all grow together.

New Business:

1. Sacos Retail and Outdoor Sales, special use consideration

Zakrajsek: Fits into the Master Plan and the uses in the area. Even though we would have liked to see the restaurant stay, we should encourage the business to be able to continue, occupy the building and pay the taxes.

Mangus: Making the most with the options available.

Zoning Administrator report: Meyers finds it best to modify existing Special Use Permit to allow for retail sales thus allowing for the restaurant activity to resume if they chose in the future. It is compatible with the Master Plan and the surrounding area. It will not change the character of the area. There will be no impact on traffic. ZA recommends approval of the modified Special Use Permit with the following conditions: Outdoor display to be limited to sidewalk area only. No sales/display in the drive, parking or landscaped areas. All outdoor items will be removed at the end of each business day. All township fees, fines and liens are satisfied. With the finding of fact: the proposal is less intense than the original restaurant use. The applicant may utilize the premises all retail indoor retail activities, food service and entertainment purposes as previously approved. The Special Use goes with the land, if there is ever a sale of property.

Motion By Mangus to approve Saco's Retail modification of existing Special Use Permit to allow for retail sales as recommended with stated conditions, seconded by Lyons.

Roll call vote: Courtade-yes, Lyons-yes, Mangus-yes, Miller-yes, Zakrajsek-yes.

Motion carries 5-0

2. Sanford/Deans Request for Day Care

Zoning Administrator report: Meyers informed the Commission that the fire department will be able to do training with the old building, possibly a controlled burn. Planning Commission's initial reaction to the day care was very positive, an improvement to the area. Applicant has requested waiving of the preliminary site plan review to go directly to a final site plan review at this meeting. Proposing to split off approximately 1.8 acres from 82 acres. Currently zoned Ag. Schools are permitted on Ag properties and day care facilities, such as this, can be considered as a school. Consistent with the Master Plan in that it is near the school, it provides the clustering concept-creating an education campus. It is compatible with the surrounding area. It will not change the character of the area. Do not feel it will impact traffic because day care hours are just, in general, different than school hours. Meets and exceeds ordinance standards, including lighting and signage.

ZA recommends approval of the special use permit for the Down by the Creek Day Care Center subject to the following conditions: all fire safety requirements met; present with assurances that the traffic will have no negative impact; that, as in the current plan, there is a walking path to the school; all township fees, fines and liens are satisfied. With the findings of fact that it is consistent with the Master Plan and it meets and exceeds ordinance standards.

Motion by Courtade to approve the Special Use Permit request for a day care as proposed with stated conditions, seconded by Lyons.

Roll call vote: Courtade-yes, Lyons-yes, Mangus-yes, Miller-yes, Zakrajsek-yes. Motions carries 5-0.

3. Williamsburg Mini Storage Site Plan Consideration

Builder for the proposed facility proposes two storage buildings, one of 48' x 104' on the east side of the property and one of 40' x 60' on the west side of the property.

Discussion: in 1981 12 buildings or 28,800 s.f. of storage was approved. The request does not exceed the approval. Cold Storage meaning, not heated for RV's, Boats, etc.

Zoning Administrator report: As stated, originally approved as a special use permit in 1981 for up to 12 buildings not to exceed 28,800 sq. ft.; could not find provision to allow expansion without a formal site plan on file; he has met with the DEQ; no listing of hazardous materials has been submitted but because he does not have control over what tenants will store applicant should have a standard set of rules that prohibits storage of hazardous materials. Outstanding issues were the storage of hazardous materials / signed tenant agreement agreeing to no hazardous material storage and that it comply with existing ordinances and outdoor storage is not allowed on this site. Recommend approval of the site plan for the Williamsburg Mini Storage subject to the following conditions: All fire safety requirements are met, a list of hazardous materials that will be on site or a list of rules that will govern the tenants of the same and will provide the fire department with such, that items currently being stored outside will be removed or placed indoors and that all township fees, fines and liens are satisfied. With the findings of fact that when all conditions are met the site will conform with all township ordinances.

Discussion: Lucsy indicates that he will have or possibly already has the language in the tenant agreement regarding the issue of hazardous waste. He disagrees that there is no outside storage allowed but no one can locate said language in any previously issued permits. Zakrajsek: can the special use permit include the outdoor storage? Meyers: it is approved as indoor storage, there would need to be a public hearing to change the permit to allow for outdoor storage. Mangus: Do we have to follow all of the Zoning Administrator's recommendations? Can we just skip that one? Zakrajsek: We do not want to start pulling out certain recommendations and having problems with that in the future. Can we get this particular item worked out? Mangus: That's what I was wanting to accomplish also. Zakrajsek: So you would need a separate public hearing to allow for outdoor storage because no one can find in writing any approval for that and Mr. Lucsy clearly disagrees with that? Meyers: Not disputing that Mr. Lucsy did not have a conversation with someone, sometime in the last twenty some years but it never got formalized. He will be able to go for a change in the special use permit very easily after this because there will be a site plan on file – that was the biggest issue with these two new buildings going in. He can define where outdoor storage will take place, etc. Lucsy: What I am after is inside storage, storage buildings. Zakrajsek: What would the fee be if he were to come back for a public hearing when there is already one scheduled for

something else? Meyers: \$50 or \$100. An alternative would be that you could approve this subject to there being no expansion of existing outdoor storage until he would apply and formalize that with the Planning Commission. We can notate what is out there now. This would not stop the current project from moving forward. Lucsy indicates that the items outside are his personally. He also indicates that in the future he will want to move forward to have outdoor storage, for right now he wants to put two buildings up.

Motion by Courtade to approve the Williamsburg Mini Storage Site Plan Consideration with recommendations as stated, seconded by Mangus.

Roll call vote: Zakrajsek-yes, Courtade-yes, Lyons-yes, Mangus-yes, Miller-yes.

Motion carries 5-0.

Old Business:

1. Article 17, Administration

Motion by Lyons to recommend approval of Article 17 amendments as presented to the County Planning Commission and the Township Board seconded by Miller.

Motion carries 5-0.

2. Article 37, Temporary Buildings and Uses

Meyers: Guest houses, accessory uses, hunting camps are not addressed in this article. Zakrajsek wants to be careful about opening up loop holes. This article is broken down into separate categories such as an existing house to be used as a temporary home while building, to be removed after construction is complete. Meyers' experience is that when someone is living on-site the building is usually done in a more timely manner. Discussion regarding the issue addressed in the correspondence from Mr. Carter. That type of temporary structure and conversion is not addressed in Article 37 at this time. Mangus: Not in this Article but possibly in the future we will want to look at the possibility that if a piece of property is splittable is it okay to have the second dwelling on it? Zakrajsek: As far as the letter is concerned, this can be addressed at a future date. Courtade is good with what is proposed here, without getting into further, lengthy discussions regarding matters that are not in the proposed Article 37.

Courtade is excused at 8:44 pm.

Zakrajsek questions the 90 days to remove the temporary structure. Discussion that 90 days is satisfactory. Mangus: Special Events question: No provision listed regarding adequate sanitary services provided? Zakrajsek: We can address this issue in the future. Meyers: It does stipulate that the permit may have specific conditions and may require fees.

Motion by Mangus to recommend approval of Article 37 as presented to the County Planning Commission and the Township Board seconded by Miller.

Roll call vote: Mangus-yes, Miller-yes, Zakrajsek-yes, Lyons-yes.

Motion carries 4-0.

Zakrajsek notes that Courtade did approve before being excused.

3. Article 6, Permitted Uses.

Motion by Mangus to recommend the language change to Article 6 in conjunction with Article 37 to the County Planning Commission and the Township Board seconded by Miller. **Motion carries 4-0.**

4. Master Plan / SWOT – tabled.

Public Comment: none

Motion to adjourn at 8:45 pm by Mangus, seconded by Lyons. **Motion carried 4-0.**

Respectfully Submitted,
Lois MacLean
Recording Secretary