

DRAFT  
WHITEWATER TOWNSHIP PLANNING COMMISSION  
MINUTES OF DECEMBER 7, 2011 REGULAR MEETING

Call to Order by Zakrajsek at 7: pm

**Roll Call:** Boyd, Zakrajsek, Miller, Courtade, Mangus, Recording Secretary-MacLean, Zoning Administrator-Meyers + 4 audience

Absent: Lyons

**Set/Adjust Agenda:** None

**Approval of Minutes of 11/2/2011/ Motion to by Boyd to table minutes to add public comment, seconded by Mangus; all in favor. Motion Carried.**

**Conflict of Interest:** None declared

**Public Comment:** Steve Mangus: 1214 Cerro, TC, thoughts to share about the Master Plan meeting coming up in January, from the draft on the web site. Definitions of what a Master Plan is. Read from document feels the wording “not regulating land use . . .” is misleading. #3 Build a sense of community is Smart Growth, a concern. Recommendation is to show a sample of an ordinance and how that fits. The Smart Growth ordinances are all over the country and I do not want to see that happen. The Master Plan is the cause and the ordinances are the results. Don’t want to see the same problems as was in the past. Have a couple books to share with anyone interested in reading. Easy reading with a strong bibliography. Will provide a cd of the last 10 – 15 minutes of last meeting to complete the public comment of the minutes.

Sally Akerley, 9099 Merrill Ridge Drive, is interested in utilizing an ADU on her property.

**Public Hearing:** NONE

**Reports:**

Correspondence: County Master Plan-Open Space Notes -Response requested and year end synopsis for the Tart Trail system.

ZA Report: November report. Brad Link is in the audience tonight as he is being recommended for Julie Courtade’s seat on the Planning Commission which expires December 31.

Township Board Rep: Boyd: Group of officials met with the Tribe, very productive meeting regarding a fire and ambulance facility. Moving forward with about 3 acres off Old M72. Grants, June 13. Good info from the fire and ambulance department and the architect. They are very interested in a facility for us and themselves, stressing supporting the community. Christmas tree lighting attended by about 40 with Santa, a couple elves and kids. Vaughn Harshfield spoke on behalf of Veterans.

Chair: Another year end: Thank you all for you time. We’ve had a fairly productive year. Looking forward to Master Plan work next year. Thank you to Julie for her 7 years of service.

## Old Business:

1. Camp/Campground Ordinance: Definition of Cabin, Commercial Campground and Private Campground. Meyers presented draft language for review. Residential R-1 as a special use not as a right. In A-1 it would be a right. RC-1 as a special use and as a permitted use. Building sizes are usually less than 650 sq ft, used 700 sq ft because that is what our ordinance says.

Site Plan Review and Special Uses – Plot plan in lieu of a site plan, added outdoor recreational facilities, #7 to 25.20. Additional conditions of special uses, 25.21. Commercial on 40 acres or greater. Permanent cabins should not exceed 650 sq ft per structure. Shall have water and sanitary service or have convenient access to approved service building (s). Reading of Private Campground, 37.50.

Courtade: no permanent residence? Mangus: why not a permanent structure.

Meyers: the residence and 3 cabin buildings seemed to be a deal stopper here on the Evina Camp. Zakrajsek: Are we allowing more than one structure. Sounds like a lot of rules, you really covered that, as we requested, if you have 75 acres can you have 15 cabins, no spacing on the cabins; same thing with the pads.

Mangus: looking at over all density. Meyers: Private campground, not for commercial, keeping it rural. Courtade: Keeping the cabins closer together make the most sense. Zakrajsek: a density limit would be appropriate. Mangus: would rather see 10 cabins on one acre keeping the other 99 acres clear. I see more rules than I'd like. Zakrajsek: if a person owns property but does not live on it a person cannot permanently store a camper? Zakrajsek: a definition of two campgrounds, nothing specific for Evina's, just referenced it. Dean: Could he have just come in for a special use. Meyers: Evina would have had a use by right, it would not have had to be a special use. Meyers: he came in after the fact, it is a permitted use with no definition. Mangus: This is the first time we've ever had this come up as an issue. Dean: Commercial is Special Use? Zakrajsek: what are we trying to get here? Why do we need a private campground? Who here does not own a private campground? Meyers: there's a huge difference between commercial and private campground, commercial is a business. Zakrajsek: Commercial is a business, having a hard time with the "private campground".

Boyd: Commercial campground is a business, private campground is not for profit. Can I let people stay over after the bon-fire? Meyers: Camping permit can be pulled, non-recurring. Mangus: The private campground definition says it is legal. No problem with the separation of the two. This has only come up once but the large pieces of property are going away and someone will come through with this and we need to encourage the development of our properties. Mr. Evina's is common sense guide lines in black and white and without those we will have someone come through and push the limit. Meyers: Think we will see more shared properties like this where people share for hunting, etc. Legalize rather than making non-conforming. We have to protect the people adjacent to these properties. Mangus: some of this is covered in other areas. Dean: this is all redundant, it is special use. If they can come in and justify what they want to do, it can be a good use of property. Mangus: private is only special use in R-1. Use by right with these guidelines after showing what you are going to do. Dean: was Evina within the ordinance? Feels like we are reacting to someone who was

violating / outside the ordinance and slapping all the rules on. Audience: Brad Link: are you allowed more than one structure? Mangus: it was too vague in our ordinance. Zakrajsek: add a private campground in our special uses. Mangus: A Camp is allowed, we are throwing specifics in. Zakrajsek: Commercial campground does need provisions; private campground is just part of rights. Dean: Issue with the Private Campground is that it does not allow for a permanent residence. Mangus: a family reunion. Boyd: Alpena area, multiple use of the owners of the properties. Meyers: the lodge is the residence, meets all the codes of the county, etc. Zakrajsek: we want to put multiple buildings on one piece of property. Developing a use where you can have multiple buildings where there is no residence. Mangus: who is comfortable with a private campground? Miller: A piece of property cannot have a pole barn but we can allow cabins and structures? Zakrajsek: what are we trying to accomplish? Miller: Dean is right we are trying to legislate a permitted use. Mangus: polish up the commercial campground and do not specify rules on the private camp. Evina needed to follow the current existing rules. Zakrajsek: why do we have to run to the township to ask about having people camping for the weekend for a family reunion. Boyd: no problem defining; Leslie did what she was asked to do. We don't need more redundant rules. Review the supplementary provisions. Guidelines for a planned use permit. Instead of splitting hairs. Meyers: Our campgrounds are currently under supplementary provisions. Boyd: like some of the guidelines to help the novice laying out his property using some common sense. Many times people come through without common sense, requiring a need to look at plan. We need to have some provisions. Mangus: people have to bring their plan to the PC (already a stipulation). Boyd: we let things happen and then say why – have them bring it through the PC. Meyers: you have to have some criteria, “you shall”, we have to tell them what we are looking for. Boyd: we need some sort of guidelines, maybe not this many rules. Dean: Guidelines vs. conditions for special use. Meyers: Special use gives more stipulations, special use has more creativity. Permitted use is if you meet the criteria you can have it, the end. Zakrajsek: general consensus seems to be we want private campground, a definition for it is a good idea. Provisions for it can take some time. Meyers: what should we scrap on the provisions? Dean: issue with the commercial – boxing it in too much; it is a special use. Meyers: will go through the commercial and make some changes. Zakrajsek: Reads through the Private Campground section. Meyers will make changes and bring it back.

2. Accessory Dwelling Units (ADU's): Meyers brought back the talking points from last month. This is going on throughout the country. It allows several possibilities: “Grandma Smith” a little bit of income, guest houses or an additional home for grandpa to live in. Look up ADU's on the internet and you can get lots of information. It can be someone who has a place for a helper to be able to stay near by. A person could lose part of their homestead – assessors deal with and determine that. ADU provisions shall protect neighborhood stability, property values and the single-family residential appearance of the area. It would work in all residential districts. There is lots of discussion on limiting the size of

the building and why. Zakrajsek: what happens when you go backwards, if you want to have the smaller building first and want to add a larger home? Dean: carriage house is only the living space. Mangus: would be more comfortable with 1200 sq ft or half, which ever is larger. Zakrajsek: why not just have a limit on the size of the building? Meyers: it is either affordable housing or a guest house. Mangus: having a live in care-taker is a quality of life issue. Zakrajsek: if it is going to be a rental income, is size an issue? Mangus: 50% of the main home. Boyd: are we really going to tell these people they have to have a small accessory dwelling when they can afford a large one and it really does not mess up the look and feel of the property. Are we taking a blind side to that, limiting what people can do? Courtade: care must be taken in planning this. Property with two houses may not be able to be split. Dean: be careful doing this in RC-1, is that what you are saying? Boyd: where do we go to allow this to come back for review. Meyers: special use, it would be put in special use and people would be able to be creative on what works best for them. Mangus: difference between sectioning off part of their home and building a separate structure. Courtade: 800 sq ft permitted and anything above that would require special use – present their case. Zakrajsek: accessory dwellings are going to be a permitted use? Boyd: our population is aging so the need for the “granny flat” is going to be more prevalent in the area. Courtade: what is the downside? Zakrajsek: what do we have to do at this point? If we are going to have this as a permitted use we have to have some provisions, stipulations. List what and why we think it is. Mangus: Owner occupancy, does not necessarily need to be their voting address. Zakrajsek: can I upgrade? Boyd: architectural design. Zakrajsek: Ditch the Standalone detached structure verbiage. Zakrajsek: different road access / driveway? Audience: Sally: describes what she is facing and what she would like. Understands and knows that you always have to legislate to the lowest common denominator. Zakrajsek: if the township is going to accept ADU’s we need the bullet points. Boyd: if it is going to go to the board, we will need bullet points. If it is accepted. Dean: we need the ordinance and the bullet points. Write the ordinance , 1200 sq ft., with definition, applicability and standards. Courtade: will the people who have been forced to separate in the past can they bring them both together for PRE? Zakrajsek: is there anyway we can make this on a case by case. 1200 is by right any more would be by special permission. Non-conforming is an issue. Zakrajsek: change it and bring it forward. Meyers: we can schedule a public hearing after January. Zakrajsek: does this change going back to the private campground thing? Are we more inline with allowing multiple buildings? Mangus: allows things to be legal. Follow-up at the January 4 meeting.

3. Fences: Meyers: table until next time.

Mangus: slip the simple questionnaire on the agenda.

### **New Business:**

1. None

Public Comment: Steve Mangus: ADU's are a good idea. The square foot issue is going to be determined by the market. What about the acreage you own? Most people are not going to build a huge building that cannot be sold separately. As long as people are within the parameters of the lot. Could go with neighbor approval. Stand alone storage units should be allowed. New Urbanism, we have that in our community / ordinances. Nothing has happened in the area that the urbanism rules are in place.

Sally Akerly 9199 Merrill Ridge Drive: Pole barn on the residential lots with no homes. Not in favor.

Continuing Education: Medical Marijuana Update: Clearing the Air conference, very interesting. What we did with the Home Occupation thing, we have one of the most liberal ordinances out there. The only thing specified in the law is patients and caregivers. As a rental owner you can rule not to allow growing. What the PC has put together is very good. It is going to continue to change. 198,000 card carriers, average is 23, youngest is 7, oldest is 102. A convicted felon of non drug laws is okay. Legal market is more expensive than the black market. Steve received a second call for a compassion club.

Special meeting TUESDAY January 3, 2012.

**Motion to adjourn at 9:18 p.m. by Boyd, seconded by Mangus. MOTION CARRIED.**

Tabled Items: Non-conformities; Permitted and Special Uses; Camp Site Plan Request; Essential Services