

WHITEWATER TOWNSHIP PLANNING COMMISSION AGENDA FOR REGULAR MEETING,

March 6th, 2024 @ 7:00 PM

Whitewater Township Hall Via ZOOM (if available) and in-person

5777 Vinton Road, Williamsburg, MI 49690

Phone 231-267-5141/Fax 231-267-9020

Zoom:

<https://us06web.zoom.us/j/88127688882?pwd=ifY5NB8PclcGHAXFWwkjhsWaqcbVKk.1>

Meeting ID: 881 2768 8882

Passcode: 377218

1. Mic Check, Call to Order, Pledge of Allegiance
1. Roll Call of PC Members
2. Set/Adjust Meeting Agenda
3. Declaration of Conflict of Interest pertinent to agenda items
4. Public Comment – Any person shall be permitted to address a meeting of the PC. Public comments shall be carried out in accordance with the following rules and procedures:
 - a. Comments shall be directed to the PC, with questions directed to the Chair.
 - b. Any person wishing to address the PC shall speak from the lectern (or use the raise hand feature if Zoom is being utilized) and state his/her name and address.
 - c. Persons may address the PC on matters that are relevant to Township planning and zoning issues.
 - d. No person shall be allowed to speak more than once on the same matter, excluding the time needed to answer a PC members' questions.
 - e. Public comment shall be limited to 3 minutes per person.
 - f. In order to avoid unscheduled debates, the PC generally will not comment or respond to public comment. Silence or non-response from the PC should not be interpreted as disinterest.
5. Approval of Minutes of Previous Meeting(s):
 - a. Regular Planning Commission Meeting February 7th, 2024
6. Correspondence - None
7. Reports/Presentations/Announcements/Comments
 - a. Zoning Administrator
 - b. Chair - farewell but not goodbye
 - c. Township Board Representative
 - d. ZBA Representative
 - e. Committee Reports

8. Unfinished Business
 - a. Final Site Plan Review - High Pointe Golf Course
 - b. Annual Report
 - i. Review and approve/with corrections for TB submittal
 - c. Zoning Project
 - i. Map, Surveyor PO Updates (Mielnik)
 - ii. Zoning Amendment List and Organization of Zoning Ordinance (Mielnik)
 - iii. Schedule a Special Meeting for the sole purpose of reviewing the Draft ZP?
 - iv. Anything else related to the ZP
 - d. Master Plan
 - i. Schedule a Special Meeting for the sole purpose of reviewing the Draft MP?
 - ii. Anything else related to the MP project
9. New Business
 - a. Preparation for forthcoming Special Use Permit Public Hearing -
 - i. Amendment No. 84, Article No. 25 Site Plan Review/Special Use Permit (SUP) - Authorization and Procedures
 - ii. Fahey Schultz Burzych Rhodes - "Special and Conditional Use Permits - The Do's and the Don'ts". Provided by Randy Mielnik
10. Next Meeting: April 3rd, 2024 @ 7:00 PM
11. Public Comment
12. PC Discussion/Comments
 - a. Key Notes to share at next Regular TB Meeting
 - b. Action items for PC members reviewed.
13. Continuing Education (5-15 minutes at each meeting)
 - a. Leelanau Ticker - Article and associated discussion topics provided by Linda Slopsema
14. Adjournment

Whitewater Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities who are planning to attend Contact the township supervisor at 231-267-5141

DRAFT
WHITEWATER TOWNSHIP PLANNING COMMISSION
MINUTES FOR REGULAR MEETING
February 7, 2024

Call to Order at 7:00 p.m.

Roll Call: Jacobson, Keaton, Wroubel, Steelman, Vollmuth

Absent: DeYoung, Slopsema

Also in attendance: Planner Mielnik, Recording Secretary MacLean, Laura Rigan of Grand Traverse Regional Land Conservancy, Michael Sherman regarding Millbrook

Four on Zoom at the start of the meeting.

Set / Adjust Agenda: Move all of New Business after Public Comment before approval of minutes.

Declaration of Conflict of Interest: None

Public Comment:

7:03 p.m. begin

via zoom:

Connie Hymore

7:03 p.m. end

New Business 1

Laura Rigan Farmland manager of GT Regional Land Conservancy presentation with Q&A with the PC.

Public Q&A:

7:31 p.m. begin

via zoom:

Vern Gutknecht

in person:

Tom McElwee

Denise Peltonen

Michael Sherman

7:47 p.m. end

New Business 2

Michael Sherman, Millbrook property owner, 8956 Church St., presentation of a brief history, current status and future ideas / plans to preserve the history.

New Business 3

Annual report of 2023 discussion, keep it simple and provide the highlights.

Public Hearing: None

Approval of Minutes:

MOTION by Jacobson second by Keaton to approve the Special Joint Meeting Minutes of December 13, 2023, as amended, and the Regular Meeting Minutes of January 3, 2024.

Roll call vote: Wroubel-yes; Steelman-yes; DeYoung-N/A; Slopsema-N/A, Keaton-yes; Vollmuth-yes; Jacobson-yes.

Motion carried.

Correspondence: None

Reports and Presentations:

Zoning Administrator Report, Hall: Written report presented, read by Steelman: great progress on projects; final site plan coming on High Pointe Golf Course; conversation in progress regarding a special use in the commercial zoning district; no continuation of contract with Hall for zoning administrator services after March 31.

Chair's Report, Steelman: Resignation submitted to the board

Township Board Rep, Vollmuth: Read the township board packet for February meeting regarding deed restrictions and property restrictions, capital expenditures with lots of budget information pages. Recommends everyone focus on

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DRAFT

homework and make sure you have it all.

ZBA Representative, Wroubel: No cases in January. There is a circuit court case on the Baggs Road variance that was granted at the August meeting. No word on any outcome of that yet.

Committee Reports: None

Unfinished Business:

1. Zoning Ordinance Project
 - a. Map, surveyor, RFP discussion – Mielnik, presented the information to get the zoning districts surveyed, by Scott McLane who quoted \$3,800 and would be done within 60 days and would present at a PC meeting. Get a purchase order for Scott McLane and get it moving forward.
MOTION by Keaton, second by Jacobson, to request a purchase order for Scott McLane survey work to convert the legal descriptions to a zoning map for \$3,800.
Roll call: Wroubel-yes; DeYoung-N/A; Keaton-yes; Slopsema-N/A; Steelman-yes; Vollmuth-yes; Jacobson-yes.
Motion carried.
 - b. Supply Road set back discussion – Mielnik, the PC may want to address the 150' set back on Supply Road.
 - c. Anything else related to the ZO Project, updated the zoning ordinance chart/spreadsheet.
2. Master Plan
 - a. Chapter 5 follow-up discussion, clarifications and typos have been addressed.
 - b. Anything else related to the MP project: Mielnik indicates that he has made progress on chapters six and seven. Still on track to present the draft to the PC at the April meeting. Make sure the PC takes ownership of the document, make sure it addresses things the way you want so when it comes time for the public hearing you can know that you can stand behind what is presented.
Discussion of Ag lot sizes, PUDs, cluster zoning, etc. Lot sizes are part of the zoning. It does not stop the MP project moving forward.
3. Submission to the township board for the February meeting: PC Bylaws as adopted 1/3/2024, PC 2024/2025 Budget recommendations, Rachel Steelman resignation effective 3/15/2024.
Will review additional bylaws updates on another agenda.

New Business:

1. Guest: Laura Rigan from GT Regional Land Conservancy (GTRLC), reference Ordinance 33, presentation after public comment, before approval of minutes.
2. Guest: Michael Sherman, introduction of plans for the Millbrook property located at 8596 Church St., presentation after public comment, before approval of minutes.
3. Planning Commission Annual Report 2023 presentation after public comment, before approval of minutes.

Next meeting: March 6, 2024

Public Comment:

9:31 p.m. begin

in person:

Denise Peltonen

via zoom:

Linda Slopsema

Connie Hymore

9:43 p.m. end

Commission Discussion/Comments:

Keynotes to share with TB and Action items reviewed: GTRLC presentation, information on the zoning map including PO, annual plan, MP still on schedule, Millbrook home owner presentation regarding conservancy and easement.

Continuing Education:

In the packet:

Citizen Planner – Linda Slopsema email

Training Workshops Pamphlet – Mielnik, availability of some excellent trainings.

MSU Extension information – Hall

Planning and Zoning News, Regulating Non-Conformities - Hall

Adjournment: 9:52 p.m.

Tabled items: Article 5 Districts; Article 25, Special Use Permits: Campgrounds

Respectfully Submitted

Lois MacLean,

Recording Secretary

Dear Whitewater Township residents and Planning Commissioners,

As I reflect on our shared journey during my time on the Planning Commission, I find myself filled with gratitude.

First and foremost, I want to extend my appreciation to my fellow commissioners for your unwavering support, dedication, and teamwork. I am humbled by the productivity and forward momentum we have achieved as a commission, and I must give credit where credit is due. It is thanks to the hard work, knowledge, and passion of each member that we have been able to accomplish so much. Your dedication to our shared vision has truly been the driving force behind our success.

I would like to express my heartfelt thanks to Randy Mielnik for his contributions. Randy, your hard work, professionalism, calm nature, and generous invoicing have been invaluable assets to our team. Your steadfast commitment to our goals has left an indelible mark on our commission, and for that, I am profoundly grateful.

I also want to extend a sincere thank you to the public for their support, assistance, and engagement. Your input and participation have been instrumental in shaping our decisions and initiatives, and I am deeply appreciative of your ongoing commitment to our community's well-being.

As I step away, I am filled with optimism for the future of our Planning Commission. I have every confidence that our commission will continue to thrive and make meaningful progress towards our shared goals. While I may no longer be serving in an official capacity, please know that I will be here, watching and cheering you on from the sidelines.

Wishing you all continued success, momentum, and fulfillment in your future endeavors.

Rachel Steelman

A handwritten signature in blue ink, appearing to read 'Rachel Steelman', with a long horizontal flourish extending to the right.

Whitewater Township
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Williamsburg, Michigan 49690



**High Pointe Golf Club
Staff Report**

Applicant / Owner: High Pointe Holdings, LLC
332 Potter Rd
West Palm Beach, FL 33405

Agent: Scott Jozwiak
Jozwiak Consulting
P.O. Box 5342
Traverse City, Michigan 49696

Parcel #'s: 28-13-005-014-00
28-13-005-015-00
28-13-005-019-01
28-13-005-019-02

Zoning District: A1-Agriculture

Development Proposed: [Whitewater Township] – Golf Course, holes 1 through 6, 17 and 18. Golf performance improvement center including driving range, putting green, short game course and a 'future' building called the "LAB" which will include indoor hitting area and training equipment. Whitewater Township will also be home to the clubhouse that includes a bar and food service, locker rooms, gathering areas, cart storage and outdoor seating area. Also within the clubhouse is the pro shop and offices.

[Whitewater Township] – Two 16 room lodges will be constructed to provide overnight accommodations to members and guests.

Background Summary: [staff notes]

- The applicant submitted their application and requisite fee and appeared before the Whitewater Township Planning Commission for a preliminary Site Plan Review at the November 2022 meeting.
- The Whitewater Township Planning Commission gave preliminary approval for the proposed private golf course (club) as proposed including the clubhouse and lodging buildings, noting only one primary area of concern, being a road study:
 - The Whitewater Township Planning Commission was concerned about possible traffic impacts and requested a study – the assessment is included in the applicant's packet.

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Preliminary Site Plan Review: [staff notes]

- The applicant was granted approval for the preliminary site plan submission in November of 2022.¹
- The applicant / agent was provided an extracted copy of Article XXV Site Plan Review requirements and has responded via a report included in their final submitted packet.

Final Site Plan Review: [staff notes]

Article XXV

- **See Site Plan Review submittal by applicant agent regarding required elements of a FINAL site plan.**
 - **Article XXV, Section 25.11**
 - (see attached Article XXV, Section 25.11 on Whitewater Township letterhead in applicant's submittal packet)

Parking [Article XXXIV]: see Part 6, page 16 of applicant's submittal manual.

Landscaping [Article XXXIII]: see Part 7, page 16 of applicant's submittal manual.

Lighting [Article XXIX]: see Part 8, page 16 of applicant's submittal manual.

Signage [Article XXX]: the applicant has stated and mentioned in the submittal manual that signage has not been finalized at the time of application – any signage should be subject to administrative approval.

Article XXV

Section 25.12 [Standards for Decisions]

25.12 STANDARDS FOR DECISIONS: Each site plan shall conform to all provisions of the Zoning Ordinance and the standards listed below (unless variances have been granted):

A. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of the lot or unit, the character of adjoining property and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of the surrounding property for uses permitted in this Ordinance. B. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas and will not adversely affect adjacent properties.

B. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas and will not adversely affect adjacent properties.

¹ Whitewater Township Planning Commission minutes of November 2022

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C. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.

D. The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein. Fences, walks, barriers and landscaping shall be used, as appropriate for the protection and enhancement of property and for the privacy of its occupants.

E. All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.

****see Whitewater Township Fire Department Site Plan Review***

F. Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use.

G. There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.

H. All loading and unloading areas and outside areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened, by a vertical screen consisting of structural or plant materials no less than six feet in height unless modified by the Planning Commission.

I. Exterior lighting shall be designed and installed to conform with the standards required in Article 29.00

****see Part 8, page 16 of applicant's submittal manual.***

J. All signs and advertising features shall be designed and installed to conform with the standards and requirements of Article 30.00, Sign Regulations.

****see Statement of applicant | Article XXV, Section 2`5.11 | (F.2.i)***

K. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that specified in the Comprehensive Master Plan.

L. All streets including streets in condominium developments shall be developed in accordance with the Subdivision Control Ordinance and County Road Commission or Township Private Road Standard specifications.

M. Site plans shall conform to all applicable requirements of state and federal statutes and approval may be conditioned on the applicant receiving necessary state and federal permits before final site plan approval or an occupancy permit is granted.

N. All land use developments shall be consistent with and promote the intent and purpose of this ordinance and shall not be contrary to the public health, safety and welfare.

O. All land uses and developments shall conform with the applicable goals, policies and objectives in the Township Master Plan.

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P. Standards for Groundwater Protection: [see applicant's submittal manual]

1. The project and related improvements shall be designed to protect the natural environment, including lakes, ponds, streams, wetlands, floodplains, groundwater and steep slopes.
2. Stormwater management and drainage facilities shall be designed to retain the natural retention and storage capacity of any wetland, water body or watercourse and shall not increase flooding or the potential for pollution of surface or groundwater, on-site or off-site.
3. General purpose floor drains shall be allowed only if they are connected to a public sewer system, an on-site holding tank, or a system authorized through a state groundwater discharge permit.
4. Sites at which hazardous substances or polluting materials are stored, used, or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, rivers or wetlands. In addition, an up-to-date contingency plan for the handling and clean up of uncontained spills of hazardous substances and polluting materials shall be placed on file in the offices of the Zoning Administrator and the Fire Chief. The requirement to report all uncontained spills immediately to both the Zoning Administrator and the Fire Chief shall be required as a condition of Site Plan approval.
5. Local, State, and Federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.
6. In determining conformance with the standards in the zoning ordinance, the municipality shall take into consideration the publication titled "Small Business Guide to Secondary Containment" and other references.

Q. Standards for Aboveground Storage and Use Areas for Hazardous Substances and Polluting Materials:

1. Secondary containment, for above ground areas where hazardous and polluting materials are stored or used, shall be provided. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
2. Outdoor storage of hazardous substances and polluting materials shall be prohibited except in product-tight containers which are protected from weather, leakage, accidental damage and vandalism.
3. Secondary containment structures such as out buildings, storage rooms, sheds and pole barns, shall not have floor drains which outlet to soils, groundwater, or nearby drains or rivers.
4. Areas and facilities for loading and unloading of hazardous substances and polluting materials, as well as areas where such materials are handled and used, shall be designed and constructed to prevent discharge or runoff to floor drains, rivers, lakes, wetlands, groundwater and soils.

R. Standards for Underground Storage Tanks when Permitted:

1. Existing and new underground storage tanks shall be registered with the authorized state agency in accordance with the requirements of the U.S.. Environmental Protection Agency and the State Police Fire Marshal Division.
2. Installation, operation, maintenance, closure and removal of underground storage tanks shall be in accordance with the requirements of the Michigan Department of Environmental Quality. Leak

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detection, corrosion protection, spill prevention and overfill protection requirements shall be met. Records of monthly monitoring or inventory control must be retained and available for review by government officials.

3. Out-of-service abandoned underground tanks shall be emptied and removed from the ground in accordance with the requirements of the Michigan Department of Environmental Quality.

Staff Comments

- The A1-Agriculture district standards (setbacks) were also demonstrated as being complied with during the preliminary site plan review in November 2022.
- Staff is of the opinion that Article XXV, Section 25.11 Q and R (standards) are not applicable based upon the representations of the applicant, the submittal packet, and the site plan.
- Staff recommends approval of the site plan by the Whitewater Township Planning Commission as presented and based upon the following conditions and / or stipulations.
 - All lighting installed on site shall comply with the Whitewater Township Zoning Ordinance and shall be downward shielded to prevent light trespass as well as to prevent a luminaire from being visible beyond the property lines.
 - All signage shall be installed in compliance with the Whitewater Township Zoning Ordinance.
 - All notes presented in the Whitewater Township Fire Department site plan review of February 7, 2024, shall be adhered to.

For Planning Commission Review,



Robert (Bob) Hall

PROJECT MANUAL

HIGH POINTE GOLF CLUB SUBMITTAL

Version 3.0

Rev. January 9, 2024

Project Location

Acme Township: Sections 6 and 7
Whitewater Township: Section 5

Project Owner

High Pointe Holdings, LLC
Rod Trump, Founder

Project Permits Coordinator

Scott Jozwiak, PE
Jozwiak Consulting

Project Consultants

Tom Doak, Golf Course Architect
Valerio, Dewalt Train, Building Architect

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High Pointe Golf Club

APPLICANT INFORMATION

1.1 APPLICANT/OWNER

High Pointe Holdings, LLC
Rod Trump, Founder
332 Potter Rd
West Palm Beach, FL 33405
p. 410-808-8295

1.2 PROOF OF OWNERSHIP

A) Warranty deeds for all parcels are attached.

1.3 PARCEL NUMBERS

A) Refer to page C002 of the plan set
(1) Parcel E: 13-05-014-00
(2) Parcel F: 13-005-015-00
(3) Parcel I: 13-005-019-01
(4) Parcel J: 13-005-019-02

1.4 ENGINEER

Scott M. Jozwiak, PE
Jozwiak Consulting
PO Box 5342
Traverse City, MI 49696
p. 231-218-1201

1.5 PROJECT TITLE

A) High Pointe Golf Club

1.6 SUBMITTALS

A) Application
B) Project manual
C) Site/Civil Plans
D) Building Plans: Clubhouse and Lodge
E) Legal Descriptions
F) Traffic Study
G) Proof of Ownership

PROJECT OVERVIEW

1.1 PROJECT OVERVIEW

High Pointe Golf Club seeks to reincarnate renowned golf course architect and Traverse City resident Tom Doak's first course, with Mr. Doak himself a key member of our project team. Since he designed the original High Pointe golf course in the late 1980's, Mr. Doak, author of "The Anatomy of a Golf Course", has gone on to design legendary courses all over the globe with six of his courses being recognized as Top 100 in the world, including Pacific Dunes in Oregon, Ballyneal in Colorado and Tara Iti in New Zealand. We intend to make High Pointe his seventh Top 100 course, and a "bucket list" golfing destination for golfers worldwide.

The Club intends to re-establish the golf course and bring it to a new level of greatness as a private, membership-based, economically-sustainable travel destination. The golf course itself is being purposefully designed to be environmentally friendly. High Pointe Golf Club will be open to and supported exclusively by its members and their guests. We anticipate that most of our members will be national members, residing outside of northwest lower Michigan, who will fly into Traverse City and be shuttled to the Club in one of our shuttles; as such we expect little impact on traffic. The Club will operate from early May until late October and will employ approximately 60 to 80 employees at seasonal peak and 12 to 15 employees year-round.

The original clubhouse located along Arnold Road in Acme Township will not be the primary clubhouse for the project. With the new golf course routing and additional land acquired, a new clubhouse will be constructed at the east end of the project and accessed off of Moore Road. This area will become the main entry into the golf course for all members. The facilities planned include a clubhouse, lodging for visiting members and a golf performance training facility. The training facility is a future endeavor and is depicted on our plan as a placeholder for a future submittal. Golf course operations (maintenance facility) is located in Acme Township off of Bates Road. Permits for this facility have been secured and construction of that building is underway.

High Pointe Golf Club

HISTORY

High Pointe Golf Course was opened June of 1989 and consisted of 18 holes which were all located in Acme Township. The original clubhouse still exists and is located off of Arnold Road. The course layout at that time had the front nine to the north of the clubhouse and the back nine to the south of the clubhouse (more or less).

A few interesting reads about the course can be found in links below.

[High Pointe Golf Club \(renaissancegolf.com\)](https://www.renaissancegolf.com/)

<https://www.renaissancegolf.com/264/our-design/high-pointe-golf-club>

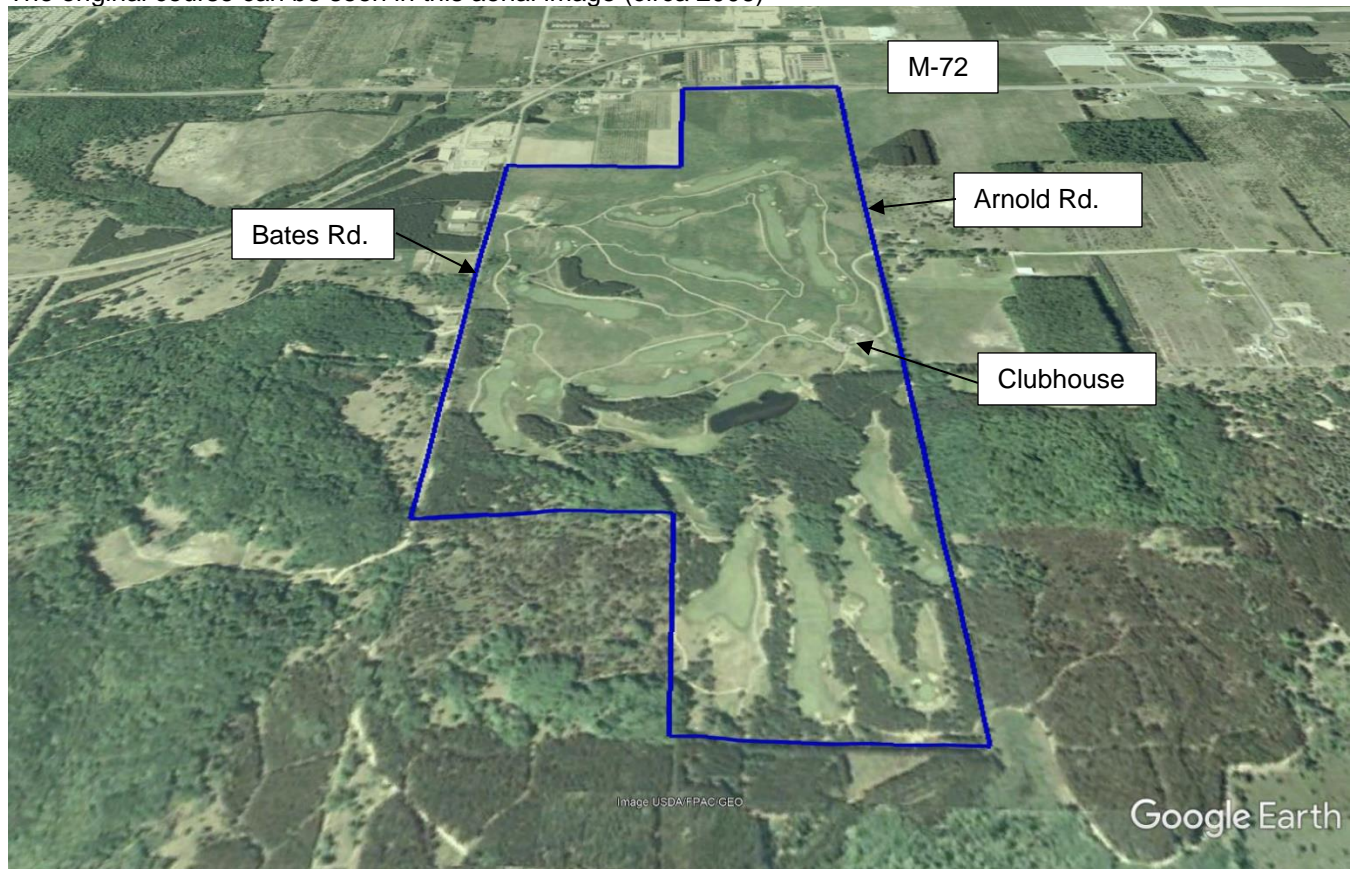
[The Story of High Pointe Golf Club – North Coast Golf Co.](https://northcoastgolfco.com/blogs/news/story-of-high-pointe)

<https://northcoastgolfco.com/blogs/news/story-of-high-pointe>

[First Tom Doak-Designed Course to Become Hop Farm \(golf.com\)](https://golf.com/travel/first-tom-doak-designed-course-to-become-hops-farm/)

<https://golf.com/travel/first-tom-doak-designed-course-to-become-hops-farm/>

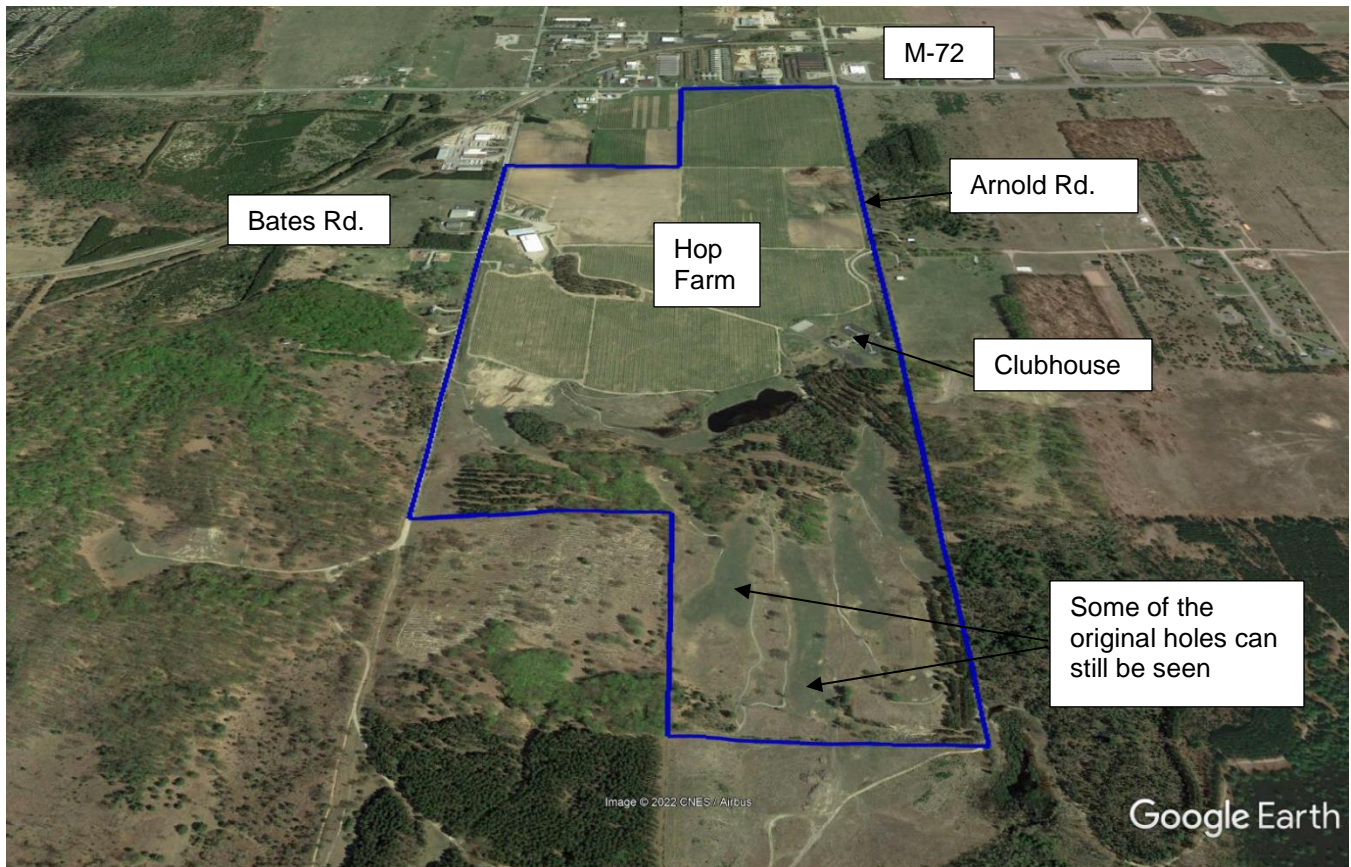
The original course can be seen in this aerial image (circa 2006)



High Pointe Golf Club

The economy and other factors caused the owners to close and sell the property in 2008. The portion of property lying between the clubhouse and M-72 was regraded and converted into a hop farm.

The aerial image below is current and you can still see some of the back nine holes along with the hop farm.



High Pointe Golf Club

PROJECT PROPOSAL

The new project includes the acquisition of all of the property lying south of the existing hop farm and that segment of land extending to Moore Road in Whitewater Township. A small portion (1/2 acre) of hops will be removed at the southern edge of the hop farm to allow for adequate width to be re-established between the hops and the irrigation pond.

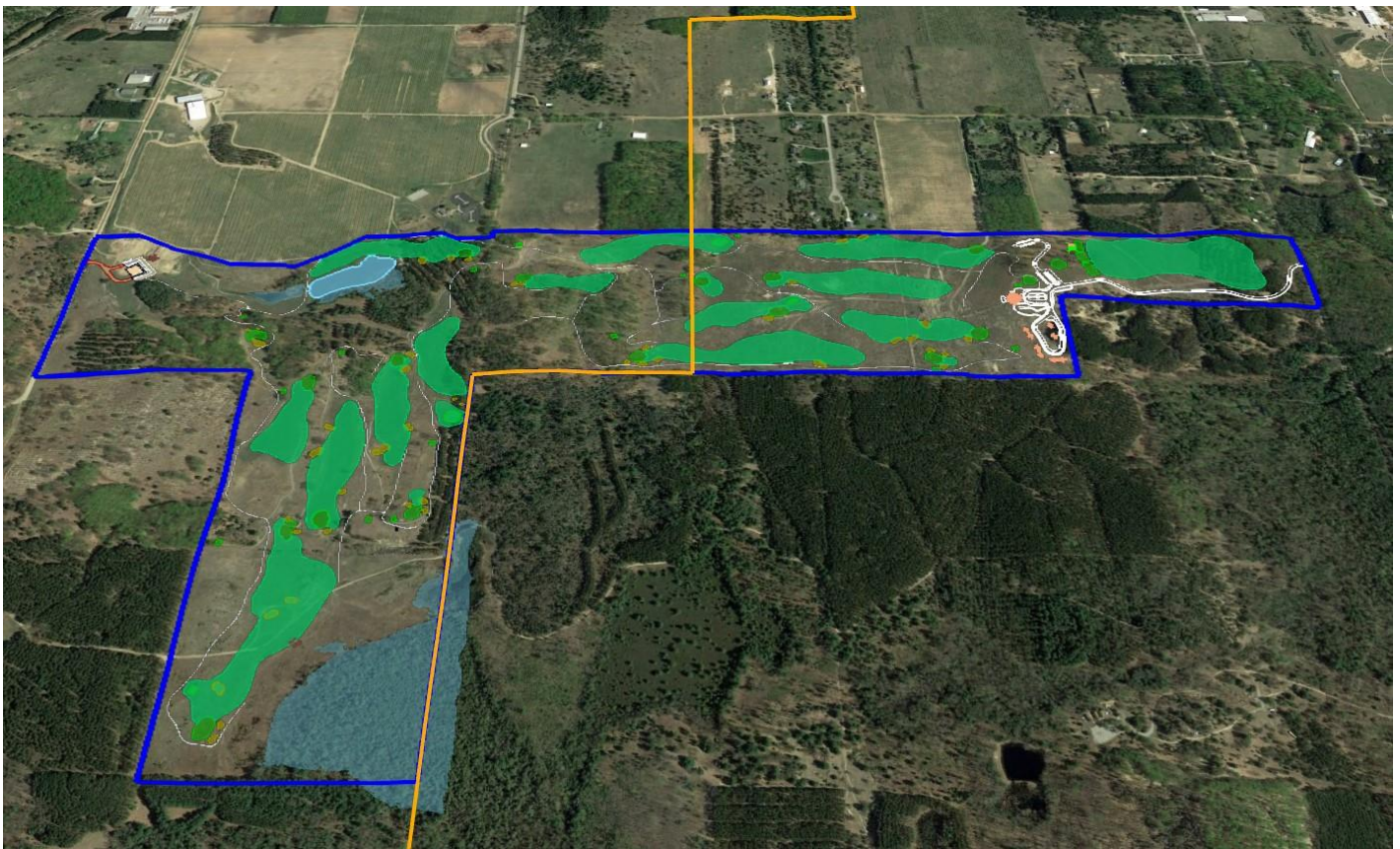
The existing clubhouse is not being sold and will remain with the farm parcel.

In Acme Township, we are constructing a new maintenance building that will be located off of Bates Road. Eventually we will be requesting to construct a small restroom and shelter in or around holes 9 and 10 as can be see on our site plans.

Whitewater Township will be the location of a new clubhouse, training facility, driving range, cabins and parking for guests and employees. Access will be from Moore Road.

Watering a golf course is essential. Fortunately the water supply system that was put in place for the original golf course remains intact and has been used by the hop farm. This includes several wells and a water withdrawal system located in the irrigation pond. A diver has confirmed that the infrastructure in the pond is adequate and will continue to be used. As part of the property acquisition, new wells will be drilled for the continued operation of the hop farm.

As with all golf courses, reliance on fertilizers is imperative. All persons managing and handling these materials are certified by the state and are inspected routinely.



TURF GRASS INFORMATION



IDEAS IN PLAY

Fine Fescue Low Maintenance Grass



The use of lower maintenance turfgrasses is increasing in the United States. The reasons for this trend are numerous. Restrictions on water use, environmental concerns, regulations on pesticide usage and shrinking maintenance budgets for non-showcase turfgrass areas are a few reasons to consider using low maintenance grasses.

In the past, low intensity grasses did not provide the quality needed for use in areas that also contained intensively managed high quality turf. However, with the advent of improved low maintenance varieties of fine fescues it is now much easier to integrate low maintenance grasses into high quality turfgrass areas. SR 3100, SR 3150 and Scaldis II hard fescue; SR 5210 and SR 5250 strong creeping red fescue; Dawson, Shoreline slender creeping red fescue and SR 3210 blue fescue are excellent examples of grasses that can be used in low maintenance planting that are part of showcase turfgrass areas. Areas such as golf course roughs, slopes and bunker edges as well as parks, roadsides and reclamation areas are just some examples of where the improved fine fescues can be used to provide low maintenance quality turf. The presence of an endophytic fungus has been shown to improve the performance of many turf species, and fine fescues are no exception. High levels of endophyte will provide natural resistance to many damaging turfgrass insects such as chinch bug, billbugs, sod webworms and armyworms. In addition, grasses that contain viable endophytes appear to have greater vigor, quicker recovery from summer stress and greater persistence during environmental stress periods. The persistence of endophytic grasses will reduce weed invasion by maintaining a denseground cover. SR 3100, SR 3150 and Scaldis II hard fescue; SR 5210 and SR 5250 strong creeping red fescue; Dawson, Shoreline slender creeping red fescue and SR 3210 blue fescue were developed with high endophyte levels to take advantage of these characteristics.

Improved Turf Quality

The improved fine fescues are excellent choices for low maintenance turf plantings, not just in shade. Fine fescues typically persist in turf sites that are droughty, acid and infertile. The term fine fescue refers to at least five types of fescue which have fine, tough, bristly leaves. These include: Chewings strong creeping red, sheep or blue and hard fescues; each with specific strengths, weaknesses and preferred uses. Chewings, sheep, blue and hard fescues all have a bunch-type growth habit while strong and slender creeping reds are rhizomatous. They all have good drought tolerance but the improved hard and sheep fescues have excellent heat and drought tolerance due to their leaf texture, deep rooting capabilities and high root to shoot ratio. These factors provide the hard fescues with one of the highest water use efficiency rates of any cool-season turfgrass species. All of the fine fescues have very good cold tolerance. Typically found in, and recommended for shade, the newer fine fescues such as SR 3100, SR 3150 and Scaldis II hard fescue; SR 5210 and SR 5250 strong creeping red fescue; Dawson, Shoreline slender creeping red fescue and SR 3210 blue fescue have recently been improved by breeding in stronger resistance to powdery mildew. These breeding programs have also improved resistance to a number of other diseases including Net Blotch, Red Thread and Anthracnose. The improved fine fescues are recommended for mixtures with other turfgrass species such as Kentucky bluegrass and perennial ryegrass as well as with each other, with the best mixture dependent on the site.

Maintenance

From a maintenance standpoint the fine fescues are low in cultural intensity. The low growth rate will significantly reduce the amount of mowing needed throughout the growing season. Nitrogen application rates range from 0.1 to 0.3 lb./1000sq. ft./month for hard fescues. In addition to their low growth rates, all of the fine fescues except strong creeping red fescue will tolerate mowing heights of one half inch. Wear tolerance is good for all the improved fine fescues. Only new hard fescues with improved Summer Patch resistance are good for compacted sites. Seeding rates of 4 to 5 lbs./1000 sq. ft. are recommended.

FINE FESCUE FERTILIZER PROGRAM

PART 1 GROW-IN PHASE FERTILIZER

The establishment of all turfgrasses including fine fescues requires a much different approach compared to managing an established stand of turfgrass. The "grow-in" process will require a higher number of inputs and nutrients. In some cases, the initial seeding process will be applied with a "hydromulch" approach and within that mulch there will be a starter fertilizer. That fertilizer will contain some phosphates to promote root growth and establishment. Subsequently there will be multiple fertilizer applications during the grow-in process. This could happen over a 4–5-month period depending on when the initial seed is applied. Again, those applications will be a starter type fertilizer utilizing Nitrogen, Phosphorus, and Potassium.

PART 2 LONG TERM MAINTENANCE FERTILIZER

Once established and the desired density is accomplished, the fine fescue areas will be a low input stand. Depending on factors like soil type, seed variety etc it is not uncommon to expect the fescue stands to require as little as .75-1lb of nitrogen per 1000 square feet per year, much lower than other varieties of turfgrass.

PART 3 FERTILIZER APPLICATION STATEMENT

Fertilizer applications will comply with all MDARD and EGLE requirements and all applicators will be properly licensed and certified. The applicant has engaged and consulted with Gene Davis (4 year Turfgrass Management Degree, Golf Course Superintendent, and certified commercial fertilizer/pesticide applicator for 21 years, qualifications attached) concerning fertilizer application and other issues related to golf course development and maintenance. The applicant will follow all guidelines on the labeled products in terms of application as the label is the law. The applicant will assure applications are done properly, timely and in accordance with the manufacturer's guidelines. The use of IPM's (Integrated Pest Management) programs, drift management programs and strict weather research prior and during the applications will eliminate translocation of products to areas that are not intended to receive these inputs. Records for any pesticide/fertilizer applications are filled out before and after the application. These records must be retained for 3 years. The narrative above describes only a few of the measures that a certified commercial applicator must follow in the State of Michigan. Beyond that, the applicant will adhere to "best management practices" in handling, mixing and applying pesticides and fertilizers.

All persons managing and handling these materials are certified by the state and the people and storage facilities are inspected routinely.

GOLF COURSE IRRIGATION

PART 1 OVERVIEW

Just like nutrients are required during the "grow in" phase, the use of water will be very important to make sure the turf is receiving the necessary inputs to establish turf health and density desired. However, water usage like other inputs will decrease as the turf is established. Fescue grass is known for its drought tolerance and actually will perform well with limited water usage.

PART 2 WATER SOURCE HISTORY

Irrigation will be sourced from the water supply system that was put in place for the original golf course. This includes the irrigation pond which was dredged for this purpose in the 80's when the course was initially constructed. A refill well was installed to maintain the water level in the pond. An intake screen and vault adjacent to the pond was connected to suction pumps which fed the irrigation system to the golf course.

Upon termination of the golf course and the construction of the hop farm, the system was reconfigured. Water quality from the pond intake system was difficult to manage and screen for use by the hop farm irrigation system which primarily consists of drip style emitters. A second well was put in near the original well and both are plumbed together to provide the necessary output. Use of the pond system has since been minimal. The existing wells each have an output rating of around 600 gpm at 60 psi each.

PART 3 PROPOSED IRRIGATION WATER SUPPLY SYSTEM

The seller intends to continue operation of the hop farm and with that still requires a water source. The buyer and seller have held meetings to discuss the most economical and straightforward method for ensuring that both operations can be sustained and various plans are in consideration. The most current option that is being developed is that the seller (hop farm owner) would retain the existing wells and that the buyer would grant an easement to the seller that would include the area where the wells are located along with an easement over the water supply, appurtenances and electrical equipment that service the wells.

In this scenario, the buyer would install a new refill well for the irrigation pond. It is estimated that the output of the new well would have to produce a pumping rate of approximately 400 gpm. It is anticipated that this new well would be positioned closer to the maintenance facility so that operation equipment and concerns about the aquifer capacity are mitigated. This well would feed the irrigation pond. The well would be float operated, meaning it would only activate if the water level in the pond reached a certain threshold and would deactivate at a certain level.

Regardless of the water input, the irrigation system will be supplied by a high output pump system that would pull water from the irrigation pond via the existing intake pipe. The intake pipe has been confirmed to be in good condition by a diver that performed a visual inspection. The irrigation pump(s) will be able to deliver water at a rate of 1300 gpm and anticipated watering duration for the entire course will be about 6 hours during mid summer.

It is important to realize that with all systems, cost of operation hits the bottom line. Therefore, precise watering systems are going to be installed that allow watering of the areas that need it. It is not a "set it and forget it" system. As with fertilizers, golf course curators are constantly monitoring the turf condition and the goal is to give the turf "just enough".

PART 4 IRRIGATION POND OPERATION

The irrigation pond has a surface area of approximately 2.4 acres. At this size, there is approximately 65,000 gallons for every inch of pond surface.

A water withdrawal of the irrigation pumps at a rate of 1300 gpm equates to 78,000 gallons per hour which is approximately 1.2" of draw down per hour.

The recharge well operating at 400 gallons per minute puts 24,000 gallons of water into the pond per hour which is 0.37" of elevation increase to the pond.

High Pointe Golf Club

During times of high demand which are times with little precipitation, the irrigation will run for approximately 6 hours. During that time, the pond will drawdown approximately 5". A spreadsheet analysis concludes that under this scenario, the recharge well will run for a total of 17 hours (it will run simultaneous to the irrigation supply pumps and an additional 11 hours afterwards).

This peak scenario results in approximately 470,000 gallons of water used for irrigation during this peak demand. Other times of the year when precipitation is more common, the water duration will be significantly less frequent and less duration.

PROJECT IMPACT STATEMENT

PART 1 INFRASTRUCTURE

1.1 TRAFFIC

A traffic study prepared by Fishbeck is included in our submittal. Although testing was done in November of 2022 all data was rectified to reflect summer numbers in accordance with standard practice for traffic studies. We highlight this item since it is often misconstrued as being out of context.

The traffic study is very conservative in that it assumes all patrons to drive individually as opposed to shuttle service from the airport.

In summary, the traffic study denoted no changes to roadway infrastructure and indicates that the proposed golf course will not change the level of service at any of the intersections.

1.2 ENTRANCE FROM MOORE ROAD

We will make application to the road commission for a commercial approach onto Moore. It is anticipated that the entrance will be gravel and that the paved portion of our drive will commence about 150 in from Moore Road. The reason for a gravel access is that we have made an agreement with the DNR to allow a logging and emergency access to the state land through our parcel. With that level of potential disruption during logging operations, maintaining a paved entrance would become problematic.

1.3 EMERGENCY SERVICES

The proposed project provides a minimal increase to emergency services. Fire suppression is provided throughout the clubhouse and lodges and therefore reduces the severity of a fire at this facility. A large plaza near the clubhouse provides both ample maneuvering for emergency vehicles but also provides close access to the buildings. A drive with slopes under 10% are provided throughout the campus with the main drive being 20' wide. All access points will be provided with Knox boxes for fire department access in the event of an emergency.

Because of these planned elements, the project results in a low impact to the overall emergency services.

1.4 SCHOOLS

The proposed project will have no direct impact to schools because patrons will mostly be visiting from outside the area.

1.5 ADJACENT LANDOWNERS (NEIGHBORS)

Since the project was first introduced additional land was procured along Moore Road. It was mentioned at the planning commission to be further from the property line. The procurement of the additional land solved that issue and provided a better means of access to the campus. Since procuring the additional 25 acres that abuts the Watson residence, we were able to assist the DNR by providing a logging and maintenance access to the state land while also meeting with Mrs. Watson to make sure the location of the new easement maintained their privacy. The logging access is in place and logging operations on the state land occurred this summer. With that, we have been very transparent on our plans. We feel that the property development options that are available through the ordinance could have resulted in a much higher intensity use such as housing. The seasonal nature and relatively low anticipated usage of the facility should allow for the serenity of the area to be maintained. Also, by providing on-site amenities including lodging, patrons are encouraged to remain on property thereby further minimizing traffic impacts.

PART 2 UTILITIES

2.1 WATER

Water will be provided by way of a new Type IIb well located near the planned well house. We will work with the Grand Traverse County Environmental Health Department for permitting. It should be noted that irrigation water for the golf course is provided by way of the irrigation pond and pumps located in Acme Township. The proposed well will provide refill water for the fire suppression system along with domestic water needs. The well will also provide irrigation to lawns and landscaping adjacent to the clubhouse and lodge.

2.2 SEWER

High Pointe Golf Club

Domestic sewer service will be provided by use of traditional septic systems. We are currently working through the design of those systems. Soils throughout the area have proven to be highly infiltrative sand and that use of traditional septic systems for this project are easily achievable.

2.3 ELECTRIC

Three phase electric will be brought to the site. Electric is currently located along Moore Road. Consumers Energy is the provider

2.4 GAS

Gas is available along Moore Road and will be brought to the site. DTE is the provider.

PART 3 ENVIRONMENTAL

3.1 WETLANDS

Wetlands are located on the property but are only in Acme Township. There are no wetlands in the Whitewater Township portion of the project. Disturbances in proximity (not in) to these locations is limited to stump removal, tilling, slight reshaping and restoration with turfgrass.

The pond along hole #16 in Acme Township consists of a very sharp drop from the existing grade to the waters edge. At this location we intend to install silt fence. This is a manmade pond from the initial construction of the golf course and impacts to it will be minimal.

The wetlands that abut the irrigation pond along the east side will be protected with silt fence and a ditch and berm. The ditch and berm will allow fertilizers that may be included in runoff to be entrapped. Regrowth vegetation in the ditch and on the berm will provide uptake of the nutrients and minimize impact to the wetland.

This same approach was used along hole #10 at the south end of the project.

Because of the work along the wetlands, we paid the township to have their engineering firm, Gosling Czubak, provide oversight and guidance during the project. This resulted in a third party oversight of the work efforts adjacent to the wetlands. Additionally, soil erosion permits were pulled and inspections provided.

Most of the disturbance in Acme Township has been restored. Mowing of fairways and greens to the west of Arnold Road commenced in August. Soil erosion permits have been amended to remove the restored areas. It is anticipated that much of the golf course in Whitewater Township will be finished out in the summer of 2024.

3.2 STORMWATER MANAGEMENT

Stormwater will all be managed on the property with the use of spillways, stone drains and berms. The site is composed of excessively well draining sand soils.

3.3 FERTILIZER STORAGE

The fertilizer storage will occur in a stand alone building in Acme Township off of Bates Road at the Golf Course Operations Center. This will be a cold storage building and will comply with all of the regulations imposed by the state with regard to storage and safe handling procedures.

3.4 ENVIRONMENTAL CENTER

Our project includes a pavilion type structure that is coined the Environmental Center. This is also located in Acme Township at our Golf Course Operations Center. An identical facility exists at the Walloon Lake Country Club near Petoskey. This is a pavilion that is open on all sides. The environmental center provides for three things. Chemical storage, mower cleaning stations with wash water reclaim equipment and a fueling center. A raised concrete island runs along the center line of the pavilion and provides the refuge for the operation equipment to be placed.

1. Chemical storage cabinet which is a stainless, stand alone cabinet specifically developed for this purpose. Adjacent to the cabinet and under the pavilion is a concrete pad sloped to a water tight sump where filling and mixing of the chemicals occurs.
2. The next bay under the pavilion is for equipment washing. There is a wash bay on either side of the pavilion to allow two mowers to be washed simultaneously. The concrete floor is sloped to drains which collect the wash water and debris and send it to the reclaim equipment where grass clippings are separated. The system can recycle the water for reuse and is a closed system.

High Pointe Golf Club

3. The next bay is the fueling bay. 500 gallon, double contained, fuel tanks (1 for diesel and 1 for gasoline) set on the island and will be bollard protected. The concrete pad is sloped to a sump whereby any spillage is collected.

The concrete in the environmental center is sealed to prevent any of the chemicals or fuel from collecting in pores found in concrete.

The company that supplies the equipment for the environmental center has had similar installs throughout the country. Information on this equipment is included with this narrative.



GSMS Series



SITE AMENITIES AND CONSTRUCTION TIMELINE

PART 1 GOLF COURSE

Following preliminary approval from Whitewater Township, the golf course has been constructed and seeded. Grow-in is currently underway and is currently will include 18 holes located both in Whitewater and Acme Township.

It is anticipated that grow-in will take up to a year for initial play to occur and open to members at-large in 2025.

PART 2 GOLF PERFORMANCE CENTER

A golf course performance center (training facility) is proposed and includes a traditional driving range, chipping green and other features that mimic the elements found on the golf course. A building adjacent to the range called the “Lab” will introduce technologically advanced swing analysis equipment.

A Lab will be part of a future submittal. The Lab will be a building with garage doors facing the driving range for use during inclement weather and be outfitted with various imaging, radar and sensor devices for improving golf performance. This structure is not fully developed and will be included as part of a subsequent site plan review.

The driving range has been cleared of trees by a logger during the fall of 2023. Most of the vegetation removed included red pine that was part of a plantation. All of the trees removed were harvested for other purposes. The driving range includes several target greens and is framed by a massive maple tree that serves as a centerpiece and is located more than 250 yards from the driving range tee box.

The practice facility will be an ever-evolving area and will include bunkers, short game practice areas and putting surfaces.

PART 3 CLUBHOUSE

The clubhouse will include gathering spaces, food and bar service, pro shop, offices, outdoor seating areas and the lower level will be golf cart storage and receiving area.

The clubhouse will be designed and permitted this winter and construction to commence in Spring/Summer of 2024 with completion in 2025.

The clubhouse will have a total main floor area of 9,400 sf. The clubhouse will have fire suppression.

PART 4 LODGE

This is a member-only complex and will have members from various parts of the country and world that will visit the course during the year. An amenity that is prevalent at most member-based golf courses is accommodations. These accommodations provide the member and their guests a place to stay on property. Courses such as Lochenheath, Forest Dunes, Kingsley Club (to name a few) all provide this amenity.

Each Lodge will consist of 16 rooms. Each room will have a full bathroom and bed similar to a hotel room. The Lodge will have a main entry/gathering area and a fireplace. It is the intent that the Lodge provides minimal amenities so that members spend most of the time in the clubhouse.

Construction of Lodge A is expected to commence in Spring of 2024 and anticipated to be complete in early 2025.

Each Lodge is single story and has a total floor area of approximately 7,700 sf. Both Lodges will be equipped with fire suppression.

Guests staying at the Lodge will arrive at the clubhouse and walk to the Lodge on the path. The drive access along the east side of the Lodges is primarily for back-of-house services including luggage dropoff, cleaning and also provides an emergency access point.

PART 5 WELL PUMP HOUSE

High Pointe Golf Club

A centralized well house will be constructed near the driving range. The well house will serve all domestic and fire suppression water needs for the facility. This means that the water distribution equipment and fire suppression pumps will be located in this building. In addition to the well house, a water storage tank will be installed below ground to provide the required amount of fire suppression water. The fire suppression system designer will work with the fire chief during plan development.

PART 6 PARKING

Parking for the facility is provided as shown on the plans. A total of 83 spaces are provided within the asphalt parking areas and grass overflow parking is available at various locations. We have identified approximately 90 grass parking spaces. See plan sheet C601.

In addition to this parking, there are parking spaces at the maintenance facility totalling nearly 25. Golf course workers will park here.

For comparison, The Traverse City Country Club has approximately 500 members (families). Most all members of the country club drive themselves to the course. The clubhouse is much larger than the one planned at High Pointe. Their parking lot has 150 parking spaces. This number of spaces handles members and employees. Lochenheath Golf Club has 72 parking spaces.

It is the intent of the club to operate below typical golf course capacity so to allow members the opportunity to play without reservations. Certain occasions may require additional parking. Special events such as a member tournament will result in more members being present at one time. Most members will be shuttled to the golf course but in the event additional parking is needed, staff will park at the maintenance facility or old clubhouse and be shuttled to their respective areas. Further, valet service will be provided.

The property is expansive and in the event parking becomes a continual issue, we have room to make more.

All planned parking and drive network is planned to be completed in 2024.

PART 7 LANDSCAPING

Landscaping is provided in and around the facilities. It is anticipated that landscaping will contain a mix of transplanted trees from within the site and new plantings. The golf course grounds will be meticulously maintained to present the best image of the course.

PART 8 LIGHTING

Site and exterior lighting has not been completed. Upon completion of the lighting plan, we ask to allow for staff review of the plan for compliance. However, if desired, we would come before the planning commission.

January 11, 2024

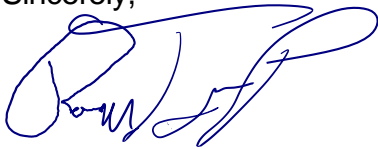
Permitting Agents

RE: Authorization of Designated Agent

To whom it may concern:

Scott Jozwiak of Jozwiak Consulting is authorized to act on our behalf in connection with the proposed High Pointe Golf Course Project as it pertains to the development of properties listed below that are owned by High Pointe Holdings, LLC, of which I am the managing partner. This includes applications and filings with applicable municipalities for all entitlements, including, but not limited to, site plan approval, special use permit applications, building permits, well and septic permits, road commission permits, EGLE permits and any required construction permits.

Sincerely,



Rod Trump
Managing Partner

High Pointe Holdings, LLC

332 Potter Rd.
West Palm Beach, FL 33405

Parcel numbers include:

01-002-001-02 Acme

01-001-006-00 Acme

13-005-014-00 Whitewater

13-005-015-00 Whitewater

13-005-019-01 Whitewater

13-005-019-02 Whitewater



WHITEWATER TOWNSHIP

5777 Vinton Road • P.O. Box 159 • Williamsburg, MI 49690 (231)
267-5141 • FAX (231) 267-9020

Article XXV, Section 25.11

E. FINAL SITE PLAN REVIEW [Preliminary Site Plan Review conducted in 2022]

The applicant shall submit the following prior to being scheduled for Planning Commission review:

1. Township Review Fee (if applicable).
Statement: Submitted 2022
2. Township Application (if applicable.)
Statement: Submitted 2022
3. A written description of the proposed project or use.
Statement: Construct clubhouse, lodging and appurtenances for new golf course
4. Any additional information the Planning Commission finds necessary to make determinations required herein.
Statement: Project manual is attached
5. A ten complete site plans that include the information listed in Section 25.11 (F), Required Information
Statement: Submitted
6. One digital copy of the site plan in a form acceptable to the Township.
Statement: Submitted

Upon review, the Planning Commission may approve, approve with conditions or deny the final site plan. If the site plan is denied, the Planning Commission shall state the reasons for such denial.

F. REQUIRED INFORMATION

1. Each submittal for site plan review shall contain all information required in this Ordinance including the following:
 - a. The applicant's name, address and phone number in full.
Statement: Included on plans
 - b. Proof of property ownership, and whether there are any options on the property, or liens against it.
Statement: Warranty deeds provided
 - c. A signed statement that the applicant is the owner of the property or officially acting on the owner's behalf.
Statement: Designated agent letter provided
 - d. The name and address of the owner(s) of record if the applicant is not the owner of record (or firm or corporation having a legal or equitable interest in the land) and the signature of the owner(s).
Statement: Provided on plans
 - e. The address and/or parcel number of the property.
Statement: Provided on plans
 - f. Name and address of the developer (if different from the applicant).
Statement: Provided on plans
 - g. Name and address of engineer, architect, planner and/or land surveyor.
Statement: Provided on plans
 - h. Project title.

Statement: High Pointe Golf Club

i. Project description, including the total number of structures, units, bedrooms, offices, square feet, total and usable floor area, parking spaces, carports or garages, employees by shift, amount of recreation and open space, type of recreation facilities to be provided, and related information as pertinent or otherwise required by the Ordinance.

Statement: Provided in project manual

j. A vicinity map drawn at a scale of 1" = 2000' with the north point indicated.

Statement: Provided on plans

k. The gross and net acreage of all parcels in the project.

Statement: Provided on plans

l. Land uses, zoning classifications and existing structures on the subject parcel and adjoining parcels within 300 feet of the site.

Statement: Provided on plans

m. Project completion schedule / development phases.

Statement: Provided in project manual

n. Written statements relative to project impacts on existing infrastructure (including traffic capacity of streets, schools and existing utilities) and on the natural environment of the site and adjoining lands. A formal impact statement may be required.

Statement: Provided in project manual

o. A listing of types and quantities of hazardous substances and polluting materials which will be used, stored or generated on-site at the facility, and completion of the "Hazardous Substance Reporting Form for Site Plan Review".

Statement: No hazardous substances in Whitewater Township. Refer to project manual for additional information.

2. The site plan shall consist of an accurate, reproducible drawing at a scale of not less than 1" = 20' or More than 1" = 200', showing the site and all land within 300' of the site. If multiple sheets are used, each shall be labeled and the preparer identified. Each site plan shall depict the following:

a. Location of proposed and/or existing property lines, dimensions, legal descriptions, setback lines and monument locations.

Statement: Provided on plans

b. Existing topographic elevations at two-foot intervals, proposed grades and direction of drainage flows.

Statement: Provided on plans

c. The location and type of existing soils on the site at least to the detail provided by U.S. Soil Conservation Service and any certification of borings.

Statement: Medium sand predominantly

d. Location and type of significant vegetation.

Statement: Provided on plans

e. Location and elevations of existing water courses and water bodies, including county drains and man-made surface drainage ways, floodplains and wetlands.

Statement: Provided on plans

f. Location of existing and proposed buildings and intended uses thereof, as well as the length, width, and height of each building and typical elevation views of proposed structures.

Statement: Provided on plans

g. Proposed location of accessory structures, buildings and uses, including but not limited to all flagpoles, light poles, bulkheads, docks, storage sheds, transformers, air conditioners, generators and similar equipment, and the method of screening where applicable.

Statement: Provided on plans. Lighting is not proposed at this time.

h. Location of existing public roads, rights-of-way and private easements of record and abutting streets.

Statement: Provided on plans

i. Location of and dimensions of proposed streets, drives, curb cuts, and access easements, as well as acceleration, deceleration and passing lanes (if any) serving the development. Details of entryway and sign locations should be separately depicted with an elevation view.

Statement: Provided on plans. Signage plans are not yet available.

j. Location, design and dimensions of existing and/or proposed curbing, barrier free access, carports, parking areas (including indication of all spaces and method of surfacing), fire lanes and all lighting thereof.

Statement: Provided on plans

k. Location, size and characteristics of all loading and unloading areas.

Statement: Provided on plans

l. Location and design of all sidewalks, walkways, bicycle paths and areas for public use.

Statement: Provided on plans

m. Location, design and specifications of existing and proposed service facilities and structures, above and below ground, including:

(1) Public and private groundwater supply wells on-site and related distribution systems including fire hydrants and shut off valves.

Statement: Provided on plans

(2) Septic systems and other waste water treatment systems.

Statement: Working with health dept.

(3) Areas to be used for the storage, use, loading/unloading, recycling, or disposal of hazardous substances and polluting materials, including interior and exterior areas as well as any containment structures or clear zones required by government regulation or designed to meet the standards of this Article.

Statement: Not applicable

n. Location of all other utilities on the site including, but not limited to natural gas, electric cable TV, telephone and steam.

Statement: All items are depicted

o. Proposed location, dimensions and details of common open spaces and common facilities such as community buildings or swimming pools if applicable.

Statement: Provided on plans

p. Location, size and specifications of all signs, both temporary and permanent, and advertising features, with cross-sections, if applicable.

Statement: Signage plans are not complete at this time. Separate submittals will be required

q. Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used.

Statement: Lighting plan not completed. Request administrative approval upon completion.

r. Location and specifications for all fences, walls and other screening features with cross sections.

Statement: N/A

s. Location and specifications for all proposed perimeter and internal landscaping and other buffering features. For each new landscape material, the proposed size at the time of planting must be indicated. All vegetation to be retained on the site must also be indicated, as well as its typical size by general location or range of sizes as appropriate.

Statement: Property is adequately buffered. Internal landscaping will mostly consist of strategic clearing.

t. Location, size and specifications for screening and fencing of all trash receptacles and other solid waste or liquid waste disposal facilities.

Statement: Dumpster is located so as not to be seen from any public areas.

u. Delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of site clean-up.

Statement: No contaminated areas exist

v. Identification of any significant site amenities or unique natural features.

Statement: Provided on plans.

w. Identification of any significant views onto or from the site to or from adjoining areas.

Statement: Refer to plans.

x. A scale model of the proposed development may be required for all projects greater than 40 acres, with more than 200 dwelling units, more than 40,000 square feet of building space, or a proposed height of a principal structure of greater than 35 feet.

Statement: Not applicable

y. North arrow, scale and date of original submittal and last revision.

Statement: Provided on plans

z. Seal of the registered engineer, architect, landscape architect, surveyor, or planner who prepared the plan.

Statement: Provided on plans

Memo - DRAFT

TO: Scott Jozwiak, PE – Jozwiak Consulting

FROM: Timothy J. Likens, PE, PTOE

DATE: January 3, 2023

PROJECT NO.: 221823

RE: High Pointe Golf Club – Traffic Impact Study

Introduction

The proposed project involves a private golf club planned in Acme and Whitewater Townships, Grand Traverse County, Michigan. The project site is bounded on the west by Bates Road and on the east by Moore Road, just south of Crisp Road. The proposed land use is a private golf club with an 18-hole golf course, practice facility, clubhouse, cabins, and maintenance facility. Based on information provided by the applicant, this facility will be open to a limited number of members only. The vision for the facility is to reincarnate the original work of golf course architect Tom Doak in a membership-based, economically sustainable destination. The club will operate from May thru October and will employ approximately 60 to 80 employees during the peak season. The project is expected to be open and operational by 2025.

The purpose of this Traffic Impact Study (TIS) is to determine if the traffic generated by the proposed development would have any impact on the adjacent road network subject to mitigation. The applicant anticipates that most members will reside outside of northwest lower Michigan. Patrons will fly into Traverse City and be shuttled to/from the site. That stated, this TIS considers more conservatively the traffic volumes that may be generated by the proposed land uses with normal passenger vehicle occupancy. Primary access for the site will be provided by a drive to Moore Road, just south of Crisp Road. Moore Road provides access to M-72, which would be the primary route to/from the Cherry Capital Airport. Crisp Road also provides access to Williamsburg Road (County Road 605), which intersects M-72 at a signalized intersection. A secondary access point for a maintenance facility is proposed on Bates Road; however, this driveway is expected to generate employee trips during off-peak hours. Therefore, this study includes the following intersections:

1. M-72 and Williamsburg Road (signalized);
2. M-72 and Moore Road (minor stop-controlled);
3. Moore Road and Crisp Road (minor stop-controlled);
4. Crisp Road and Williamsburg Road (minor stop-controlled); and
5. Moore Road and the proposed site driveway (minor stop-controlled).

Acme and Whitewater Townships have jurisdiction over the review and approval of the proposed site plan. In addition, this memorandum may be submitted to the Grand Traverse County Road Commission (GTCRC) who has jurisdiction over access permitting, as well as the Michigan Department of Transportation (MDOT) who has jurisdiction over M-72. All work for this study was completed according to methodology published by the Institute of Transportation Engineers (ITE). Relevant data and calculations are attached to this memorandum.

Baseline Traffic Conditions (without High Pointe Golf Club)

M-72 is a principal arterial under MDOT jurisdiction. In the vicinity of the site, M-72 has three lanes (one in either direction and a center lane for left turns), with a second westbound lane which develops between Williamsburg Road and Moore Road. M-72 has a posted speed limit of 55 miles per hour (mph). The intersection of M-72 and Williamsburg Road was recently signalized (circa 2020) and operates on the GridSmart adaptive system, which is fully actuated and capable to respond to traffic demand variations. Williamsburg Road is classified as a major collector under GTCRC jurisdiction. Williamsburg Road has a de facto 55 mph speed limit with one lane in each direction which widens to provide center left turn lanes at the M-72 intersection. Moore Road and Crisp Road are both local roads with a de facto speed limit of 55 mph and one lane in each direction. Aerial imagery indicates that Moore Road is paved north of Crisp Road, and Crisp Road is unpaved.

Existing intersection turning movement traffic volumes were collected at intersections 2, 3, and 4 (listed above) by Fishbeck subconsultant Gewalt Hamilton Associates, Inc. (GHA) using MioVision Scout cameras. Data were collected during the weekday morning (7:00 to 9:00 a.m.) and afternoon (4:00 to 6:00 p.m.) peak periods between Wednesday, November 16 and Thursday, November 17, 2022. Traffic data were collected in 15-minute intervals and included heavy vehicle counts. MDOT provided traffic volume and traffic signal timing data from the GridSmart system for the intersection of M-72 and Williamsburg Road. The MDOT data represent the same time period as data collected by GHA in November 2022, as well as during the month of July 2022 when area traffic volumes experience seasonal peaks. Peak hour traffic volumes for each individual intersection were identified, and through volumes were balanced upward between intersections.

Historical traffic data M-72 were also obtained from the MDOT Transportation Data Management System (TDMS). Hourly segment data were obtained from 2019 and 2022 reflective of conditions prior to and after stay-at-home orders associated with the COVID-19 pandemic. Review of the historical data and comparison of the November and July GridSmart data indicate that current volumes are approximately 35% lower than historical summer averages. The impacts of COVID-19 are estimated to have reduced current traffic volumes by approximately 10%; whereby volumes are expected to increase by 25% during the peak summer months as compared to November. Based on this information, a 35% adjustment was applied to the November 2022 traffic volumes to establish “Baseline” traffic conditions which are more reflective of peak summer traffic volumes. Baseline volumes reflect traffic conditions absent of the proposed development. Fishbeck has completed several studies across Michigan during the post-pandemic era; in most cases traffic volumes have returned to pre-pandemic levels. Typical adjustment factors applied and accepted by MDOT have ranged between 0% to 5%.

Fishbeck completed a TIS in May 2022 for the redevelopment of the K-Mart/Tom’s site on US-31 just north of M-72, approximately 4 miles west of the subject project. Fishbeck completed a similar evaluation of historical data for the K-Mart/Tom’s TIS and applied the same 35% adjustment factor as determined for this study. The findings of the K-Mart/Tom’s TIS were accepted by MDOT and the project was approved by Acme Township. Based on this information, the 35% adjustment is validated for the High Pointe Golf Club TIS. In combination with upward volume balancing, this adjustment is expected to be conservative; therefore, no additional background growth was added to volumes grown out for opening year 2025 conditions.

Baseline Operations Analysis

Baseline intersection operations were calculated using Synchro traffic analysis software based on methodologies published in the Highway Capacity Manual (HCM), 6th Edition. Simulated traffic operations and vehicle queues were also observed using SimTraffic. Measures of effectiveness for this study include vehicle delay, Level of Service (LOS), and vehicle queue lengths. Modeling and simulation were completed in accordance with the MDOT *Electronic Traffic Control Device Guidelines*.

LOS is a letter grade that describes traffic operations based on the amount of delay experienced by vehicles at an intersection, along an intersection approach (e.g., eastbound (EB), WB), or in a specific lane group (e.g., EB right turn, EB thru-left). LOS is measured using letter grades ranging from A to F, with LOS A representing negligible delay and LOS F indicating failing conditions. LOS D is generally considered acceptable for most areas. Table 1 presents the HCM criteria for various LOS for unsignalized and signalized intersections. The color coding in the table is used in the capacity analysis summary tables later in this report.

Table 1 – LOS Criteria for Intersections

LOS	Average Stopped Vehicle Delay (seconds)	
	Unsignalized	Signalized
A	≤ 10	≤ 10
B	> 10 and ≤ 15	> 10 and ≤ 20
C	> 15 and ≤ 25	> 20 and ≤ 35
D	> 25 and ≤ 35	> 35 and ≤ 55
E	> 35 and ≤ 50	> 55 and ≤ 80
F	> 50	> 80

Synchro models for the study network were created based on the existing roadway configurations and traffic controls. Existing roadway geometrics and traffic controls were determined based on aerial imagery. Baseline 2025 vehicle delay and LOS at the study intersections, absent of the proposed development, are shown in Table 2.

These results indicate that the signalized intersection of M-72 and Williamsburg Road currently operates at an overall LOS B during both peak hours. All individual movements operate at an acceptable LOS D or better except on the NB/SB approaches during the p.m. peak hour. These minor approach delays are due to the 100-second cycle length; whereby the minimum necessary green time is provided to process demands on Williamsburg Road, with priority to M-72. This operation is typical of traffic signals on MDOT trunkline routes and is deemed to be acceptable. With minor signal timing modifications, all movements would operate at a LOS D or better.

At the stop-controlled study intersections, all approaches and left-turn movements would operate at a LOS D or better except the NB approach of Moore Road at M-72. During the p.m. peak hour, this stop-controlled approach is calculated to operate at a LOS F with an average delay of 56.1 seconds per vehicle, which is slightly over the threshold between LOS E and F. SimTraffic simulations indicate that this approach would experience an average delay of 20.4 seconds per vehicle, which corresponds to a LOS C. The 95th percentile queue on this approach is 37 feet, or 2 vehicles. The simulated results indicating lesser delays than the HCM calculations is likely due to gaps in the M-72 traffic stream that are created by the traffic signal at Williamsburg Road, which are more accurately reflected in the simulation as compared to HCM methodology.

All simulated results are reported based on the average of 5 simulation runs per scenario. Observation of simulations indicate no adverse operations during either peak hour. Vehicle queues at the M-72 and Williamsburg Road traffic signal are typically serviced each traffic signal cycle and this operation is determined to be acceptable. Gaps are available in the opposing traffic stream for vehicles to complete movements from the stop-controlled approaches. Overall, these results indicate that the study network operates acceptably, including during the peak summer months.

Table 2 – Baseline 2025 LOS/Delay (without High Pointe Golf Club)

Approach	Lane Group	LOS/Delay (s)	
		a.m. Peak Hour	p.m. Peak Hour
M-72 and Williamsburg Road (signalized)			
EB M-72	Left	B (16.4)	A (7.0)
	Thru/Right	A (6.3)	B (12.6)
	Approach	A (7.0)	B (12.3)
WB M-72	Left	A (7.4)	C (21.4)
	Thru/Right	B (11.3)	A (5.1)
	Approach	B (11.3)	A (5.8)
NB Williamsburg Road	Left	C (32.9)	E (57.5)
	Thru/Right	C (26.9)	D (43.4)
	Approach	C (30.3)	D (49.7)
SB Williamsburg Road	Left	C (29.2)	E (55.4)
	Thru/Right	C (28.5)	E (62.9)
	Approach	C (28.7)	E (59.8)
Overall		B (13.5)	B (17.9)
M-72 and Moore Road (minor stop-controlled)			
EB M-72	Left	B (10.5)	A (8.9)
	Thru/Right	free movement	
WB M-72	Left	A (8.5)	B (11.3)
	Thru/Right	free movement	
NB Moore Road	Approach	C (17.1)	F (56.1)
SB Moore Road	Approach	C (15.0)	C (17.4)
Moore Road and Crisp Road (minor stop-controlled)			
EB Crisp Road	Approach	A (9.3)	A (9.0)
WB Crisp Road	Approach	A (9.0)	A (9.2)
NB Moore Road	Left	A (0.0)	A (0.0)
	Thru/Right	free movement	
SB Moore Road	Left	A (0.0)	A (7.3)
	Thru/Right	free movement	

Table 2 – Baseline 2025 LOS/Delay (without High Pointe Golf Club)

Approach	Lane Group	LOS/Delay (s)	
		a.m. Peak Hour	p.m. Peak Hour
Crisp Road and Williamsburg Road (minor stop-controlled)			
EB Crisp Road	Approach	A (9.9)	B (10.4)
NB Williamsburg Rod	Left	A (7.5)	A (7.8)
	Thru	free movement	
SB Williamsburg Road	Thru/Right	free movement	

Site Trip Generation

The volume of traffic that would be generated by the land uses proposed for this project was forecast based on data published by ITE in *Trip Generation, 11th Edition*. As stated by the applicant, this facility will be open to a limited number of members only, and most members will reside outside of northwest lower Michigan. Patrons are expected to primarily fly into Traverse City and be shuttled to/from the site. That stated, this TIS more conservatively considers the traffic volumes that may be generated by the proposed land uses with normal passenger vehicle occupancy.

In multi-use developments, not all the site-generated trips originate from sources outside the boundaries of the development but are rather trips that are “internally captured” within the site. The proposed golf course, practice facility, clubhouse, and cabins are expected to operate in synergy with one another. More specifically, members (and potentially their guests) are expected to utilize multiple facilities on-site, rather than each site generating independent traffic volumes. For example, a member and family would arrive on-site, stay in a cabin, eat in the clubhouse, and play golf before departing the site. In order to develop a conservative estimate of the trip generation potential for the site, each use is assumed to operate independently. This methodology is consistent with a typical public development with similar land uses, and also accounts for local patrons and any potential trips to/from Traverse City, the Casino, and other nearby attractions.

The ITE trip generation database was reviewed to determine the ITE land uses that most closely reflect the proposed development. The maintenance facility is expected to generate employee trips during off-peak hours; therefore the maintenance area is not included in this analysis. ITE trip generation data for the primary land uses inherently account for both patron and employee trips, as well as trips generated by supporting services (i.e. pro shop, lounge, golf instruction). The assumed land uses and respective densities are summarized in Table 3. The site trip generation forecast for the a.m. and p.m. peak hours is shown in Table 4.

Table 3 – Proposed Land Uses and ITE Land Use Codes

Land Use	ITE Land Use Code	Size/Density
Golf Course	#430 Golf Course	18 Holes
Golf Performance Center	#432 Golf Driving Range	25 Tees/Driving Positions
Clubhouse	#932 Sit-Down Restaurant	50 Seats
Cabins and Lodge	#330 Resort Hotel	32 Rooms

Table 4 - Weekday Trip Generation: High Pointe Golf Club

ITE Code	ITE Rate Description	Unit	Amount	AM Peak Hour			PM Peak Hour		
				In	Out	Total	In	Out	Total
430	Golf Course	18	Holes	25	7	32	28	24	52
432	Golf Driving Range	25	Tees	6	4	10	14	17	31
932	Sit-Down Restaurant	50	Seats	12	11	23	11	9	20
330	Resort Hotel	32	Rooms	7	3	10	6	7	13
Total Trips				50	25	75	59	57	116

MDOT publishes guidance for the completion of traffic studies in *Geometric Design Guidance (2017)* document prepared by the Traffic and Safety Department. This guidance and accepted traffic engineering practice indicate that a Traffic Impact Assessment (TIA) should be completed for uses which generate a relatively low volume of traffic. This threshold is further defined to be between 50 and 99 peak hour directional trips. In this case, study is typically limited to evaluation of trip generation and the proposed site access points. A full TIS is typically required for any proposed development expected to generate over 100 peak hour directional trips.

Based on the results of the conservative trip generation estimates outlined above, an evaluation of the proposed access point would satisfy typical traffic study requirements. This study has exceeded the published guidelines through the inclusion of the off-site signalized and stop-controlled intersections.

Trip Distribution

The directions that site traffic will travel to and from the subject site were based upon existing traffic patterns during the a.m. and p.m. peak hours. The existing traffic patterns reflect the gravity between origins and destinations in the study area, and therefore an indication of where the proposed trips would be coming from and going to. M-72 is the primary route that is expected to carry the majority of site-generated traffic, connecting to US-31 to the west and US-131 to the east. Williamsburg Road (County Road 605) also makes connections to these US-routes and is expected to carry some local/regional traffic.

Based on information provided by the applicant that indicates a significant portion of members will be flying into Traverse City, trip distribution to/from the west via M-72 was adjusted upward slightly. According to ITE methodology, new site-generated trips will return to their direction of origin. The resulting trip distribution model applied to the site-generated trips is summarized in Table 5.

Trip Assignment

The assignment of traffic to the roadway network is based on the development's trip generation in conjunction with the expected directional distribution on the adjacent roadways. Primary access for the site will be provided via Moore Road. The maintenance facility is expected to generate employee trips during off-peak hours; therefore, the maintenance access off Bates Road is not included in this analysis.

Under Baseline conditions without the development, the stop-controlled approach of Moore Road at M-72 is calculated to operate at a LOS F during the p.m. peak hour. Although simulations indicate lesser delays corresponding to a LOS C, a portion of traffic exiting the site to the west is expected to travel Crisp Road to Williamsburg Road and utilize the traffic signal to turn left onto M-72. Similarly, some traffic turning left from M-72 is expected to utilize the traffic signal to enter the site. For the purpose of this study, a 50/50% split for traffic turning left to/from WB M-72 was assumed via Moore Road versus Williamsburg Road. All other ingress and egress traffic are assumed to travel the shortest route between the access point and the direction of travel.

Table 5 – Trip Distribution Model

Direction	Via	Percentage
East	M-72	40%
West	M-72	50%
North	Williamsburg Road	5%
South	Williamsburg Road	5%
Total		100%

Turn Lane Warrant Analysis

Section 6.7.3 on page 59 of the GTCRC *Right of Way Permitting and Public Road Standards (2016)* indicates that “Plan Sheet 603A of the appendix shows when a right-turn deceleration lane or taper is warranted.” Although the referenced plan sheet is not included in the appendix of the document currently available on the GTCRC website, this reference is expected to be to the former *Traffic and Safety Notes* published by MDOT. MDOT currently publishes turn lane warrant criteria in *Geometric Design Guidance (2017)* document prepared by the Traffic and Safety Department.

Given the relatively low volume of thru traffic on Moore Road, the proposed driveway would not warrant a right-turn taper nor deceleration lane. As Moore Road does not provide direct connection to any collector or arterial roads south of the site, negligible traffic is expected to travel to/from the south via Moore Road. Therefore, no center lane for left turns on Moore Road is necessary to facilitate site ingress from the south.

Future Build Traffic Analysis (with High Pointe Golf Club)

The objective of this TIS is to determine what impacts, if any, the proposed development will have on traffic operations along adjacent public roadways and what mitigation measures (if any) may be warranted. To quantify these impacts, the intersection traffic operations under the 2025 Baseline (no-build) conditions were compared to operations under the 2025 Future Build conditions scenarios.

Where traffic operations under Build conditions remain acceptable (LOS D or better), the impact of the proposed development on local traffic operations is assumed to be minimal. Where traffic operations under Build conditions are considerably worse than those of the Baseline (no-build) conditions, or if operations degrade from acceptable operations (LOS D or better) to unacceptable levels (LOS E or F), the proposed development is considered to have an impact on network traffic operations. In this instance, mitigation is investigated which returns the overall intersection operations to LOS D or near the Baseline conditions (LOS or delay), as feasible for overall intersection operations or affected lane group movements.

Table 6 presents the intersection capacity analysis results for the Build conditions in the Opening Year (2025) for the weekday a.m. and p.m. peak hours. The Baseline 2025 conditions are also shown for reference. These results indicate no discernable impact to operations at the signalized intersection of M-72 and Williamsburg Road with minor signal timing adjustment during the p.m. peak hour (as suggested for Baseline conditions).

At the stop-controlled study intersections, all approaches and left-turn movements would operate at a LOS D or better except the NB approach of Moore Road at M-72. During the p.m. peak hour, this stop-controlled approach is calculated to operate at a LOS F with an average delay of 128.1 seconds per vehicle, which is approximately twice the delay experienced under Baseline conditions. SimTraffic simulations indicate that this approach would experience an average delay of 46.6 seconds per vehicle, which corresponds to a LOS E. The 95th percentile queue on this approach is 84 feet, or 4 vehicles. The simulated results indicating lesser delays than the HCM calculations is likely due to gaps in the M-72 traffic stream that are created by the traffic signal at Williamsburg Road, which are more accurately reflected in the simulation as compared to HCM methodology.

All simulated results are reported based on the average of 5 simulation runs per scenario. Observation of simulations indicate no adverse operations during either peak hour. Vehicle queues at the M-72 and Williamsburg Road traffic signal are typically serviced each traffic signal cycle and this operation is determined to be acceptable. Furthermore, the traffic signal provides adequate capacity to accommodate egress left-turns from the site onto M-72 that may experience delays turning left at Moore Road. Overall, these results indicate that the study network will continue to operate acceptably with the proposed project, including during the peak summer months.

Table 6 – Future Build 2025 LOS/Delay (with High Pointe Golf Club)

Approach	Lane Group	Baseline LOS/Delay (s)		Future LOS/Delay (s)	
		a.m. Peak Hour	p.m. Peak Hour	a.m. Peak Hour	p.m. Peak Hour
M-72 and Williamsburg Road (with p.m. signal timing improvements)					
EB M-72	Left	B (16.4)	A (8.8)	B (16.9)	A (9.0)
	Thru/Right	A (6.3)	B (16.1)	A (6.3)	B (16.7)
	Approach	A (7.0)	B (15.7)	A (7.1)	B (16.3)
WB M-72	Left	A (7.4)	C (27.4)	A (7.6)	C (30.1)
	Thru/Right	B (11.3)	A (6.4)	B (11.6)	A (6.5)
	Approach	B (11.3)	A (7.2)	B (11.5)	A (7.9)
NB Williamsburg Road	Left	C (32.9)	D (48.6)	C (33.5)	D (51.7)
	Thru/Right	C (26.9)	D (39.9)	C (27.2)	D (40.7)
	Approach	C (30.3)	D (43.8)	C (30.7)	D (45.7)
SB Williamsburg Road	Left	C (29.2)	D (46.3)	C (29.6)	D (48.6)
	Thru/Right	C (28.5)	D (45.2)	C (28.6)	D (45.9)
	Approach	C (28.7)	D (45.6)	C (28.9)	D (47.0)
Overall		B (13.5)	B (18.3)	C (13.8)	B (19.3)

Table 6 – Future Build 2025 LOS/Delay (with High Pointe Golf Club)

Approach	Lane Group	Baseline LOS/Delay (s)		Future LOS/Delay (s)	
		a.m. Peak Hour	p.m. Peak Hour	a.m. Peak Hour	p.m. Peak Hour
M-72 and Moore Road (minor stop-controlled)					
EB M-72	Left	B (10.5)	A (8.9)	B (10.6)	A (8.9)
	Thru/Right	free movement		free movement	
WB M-72	Left	A (8.5)	B (11.3)	A (8.6)	B (11.6)
	Thru/Right	free movement		free movement	
NB Moore Road	Approach	C (17.1)	F (56.1)	C (21.4)	F (128.1)
SB Moore Road	Approach	C (15.0)	C (17.4)	C (15.3)	C (18.5)
Moore Road and Crisp Road (minor stop-controlled)					
EB Crisp Road	Approach	A (9.3)	A (9.0)	A (9.9)	A (9.8)
WB Crisp Road	Approach	A (9.0)	A (9.2)	A (9.7)	B (10.1)
NB Moore Road	Left	A (0.0)	A (0.0)	A (0.0)	A (0.0)
	Thru/Right	free movement		free movement	
SB Moore Road	Left	A (0.0)	A (7.3)	A (0.0)	A (7.5)
	Thru/Right	free movement		free movement	
Crisp Road and Williamsburg Road (minor stop-controlled)					
EB Crisp Road	Approach	A (9.9)	B (10.4)	B (10.2)	B (11.7)
NB Williamsburg Rod	Left	A (7.5)	A (7.8)	A (7.5)	A (7.8)
	Thru	free movement		free movement	
SB Williamsburg Road	Thru/Right	free movement		free movement	
Moore Road and Golf Club Drive (minor stop-controlled)					
EB Golf Club Drive	Approach	N/A		A (9.3)	A (9.4)
NB Moore Road	Left			A (0.0)	A (0.0)
	Thru			free movement	
SB Moore Road	Thru/Right			free movement	

Conclusions and Recommendations

This TIS was completed to provide Acme and Whitewater Townships as well as GTCRC and MDOT with data and information related to traffic operations with the proposed High Pointe Golf Club. The objective of this TIS is to determine what impacts, if any, the proposed development will have on traffic operations along adjacent public roadways and what mitigation measures (if any) may be warranted. The following conclusions are based on the data, analyses, and results as outlined herein.

1. Traffic volume data collected in November 2022 are approximately 35% below historical peak summertime volumes. The baseline volumes for this study were adjusted upward 35% to account for peak season demand variations as well as any potential COVID-19 impacts.
2. Under Baseline conditions (without the proposed development) all traffic operations are determined to be acceptable based on the results of HCM delay calculations and network simulation.
3. MDOT may consider monitoring and adjusting the summertime traffic signal timings for the p.m. peak period to allocate additional green time to Williamsburg Road at M-72. The results outlined herein reflect a minor adjustment of 3 seconds from a 83/17 split to a 80/20 split (of a 100 second cycle length).
4. The trip generation forecast presented in this study represents a conservative estimate of the trip generation potential for the proposed development. The ITE forecast assumes typical passenger vehicle occupancy as opposed to members being shuttled to/from the Cherry Capital Airport as expected for this membership facility. Additionally, the proposed golf course, practice facility, clubhouse, and cabins are expected to operate in synergy with one another; whereby members (and potentially their guests) are expected to utilize multiple facilities on-site, rather than each site generating independent traffic volumes.
5. This development is conservatively forecast to generate between 50 and 99 peak hour directional trips. In this case, traffic study is typically limited to evaluation of trip generation and the proposed site access points. A full TIS is typically required for any proposed development expected to generate over 100 peak hour directional trips. This study has exceeded these guidelines through the inclusion of the off-site signalized and stop-controlled intersections.
6. Under Future conditions (with the proposed development) traffic operations are determined to be similar to Baseline conditions based on the results of HCM delay calculations and network simulation.
7. The traffic signal at Williamsburg Road provides adequate capacity to accommodate egress left-turns from the site onto M-72 that may experience delays turning left at Moore Road.
8. Overall, the adjacent road network has adequate capacity to facilitate the proposed development, including during the peak summer months. Site-generated traffic is not expected to have any significant impact on existing traffic operations.
9. No auxiliary turn lanes are warranted at the site driveway to Moore Road.

Attachments: Traffic Volume Data
ITE Trip Generation Calculations
Turn Lane Warrant Criteria
Synchro HCM Calculations
SimTraffic simulation Calculations

By email

Copy: Kyle Reidsma, PE PTOE – Fishbeck
Asa de Vries, EIT – Fishbeck

WARRANTY DEED

File No.: 23-9904

The Grantor	James F. Hayden, a single man
whose address is	643 Cromwell Drive, Traverse City, MI 49686
conveys and warrants to	High Pointe Holdings, LLC, a Delaware limited liability company,
whose address is	332 Potter Rd, West Palm Beach, FL 33405

the following described premises:

Situated in the Township of Whitewater, County of Grand Traverse and State of Michigan, to wit:

That part of the Southeast 1/4 of Section 5, Township 27 North, Range 9 West, described as: Beginning at the Southeast corner of said Section 5; thence North 00°08'15" East, along the East line of said section and the centerline of Moore Road, 660.69 feet; thence North 89°32'08" West, 1650.00 feet; thence South 00°08'15" West, to the South line of said section, 660.00 feet; thence South 89°30'42" East, along said South line, 1650.00 feet to the Point of Beginning.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging to or in anyway appertaining thereto.

Subject to any and all easements, conditions, reservations, encumbrances and limitations of record and further subject to applicable building and use restrictions, zoning laws and ordinances, if any affecting the premises.

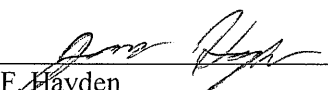
The Grantors grant to the Grantee the right to make all available divisions allowed under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967.

This property may be located within the vicinity of farm land or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan right to farm act.

This deed is given for the sum of: REAL ESTATE TRANSFER VALUATION AFFIDAVIT filed herewith.

Dated: May 26, 2023

GRANTOR:


James F. Hayden

State of Michigan)
) ss.
County of Grand Traverse)

The foregoing instrument was acknowledged before me this 26th day of May, 2023 by James F. Hayden, a single man.

Elizabeth A. Murrell
Notary Public
____ County, Michigan
Acting in Grand Traverse County
My commission expires: _____

Prepared by:
Roy Jay Montney, Jr., Attorney at Law
Montney Isles, P.L.C.
1022 E. Front St.
Traverse City, MI 49686

ELIZABETH A. MURRELL, NOTARY PUBLIC
ANTRIM COUNTY, MICHIGAN
ACTING IN GRAND TRAVERSE COUNTY
MY COMMISSION EXPIRES: AUGUST 2, 2027

When recorded return to:
High Pointe Holdings, LLC
332 Potter Rd
West Palm Beach, FL 33405

Property Tax No: 28-13-005-019-02
Send subsequent tax bills to: Grantee

2801-003-003-00 & 2813-005-015-00 & (PO) 2801-002-001-00
2801-002-017-00 & 2813-005-014-00 & (PO) 2801-003-004-00
2801-001-006-00 By SL 2813-005-019-01 & (PO) 2801-003-002-00

STATE OF MICHIGAN, County of Grand Traverse at Traverse City I hereby
certify that there are no Tax Liens or Titles held by the State of any individual against the within
description, and all taxes on same are paid for five years previous to the date of the
document as appears by the records in my office. This does not cover taxes in the process of

WARRANTY DEED

File No.: 22-9563

2023R-00245
STATE OF MICHIGAN
GRAND TRAVERSE COUNTY
RECORDED 01/06/2023 03:35:33 PM
PEGGY HAINES REGISTER OF DEEDS
PAGE 1 OF 5

The Grantor 5555 Arnold LLC, a Michigan limited liability company,
whose address is PO Box 12, Williamsburg, MI 49690
conveys and warrants to High Pointe Holdings, LLC, a Delaware limited liability company,
whose address is 332 Potter Rd, West Palm Beach, FL 33405

the following described premises:

PARCEL 1 (aka "B"):

Situated in the Township of Acme, County of Grand Traverse and State of Michigan, to wit:
The Southwest quarter of the Southwest quarter of Section 5, Town 27 North, Range 9 West.

PARCEL 2 (aka "C"):

Situated in the Township of Acme, County of Grand Traverse and State of Michigan, to wit:
The Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, Section 6, Town 27 North, Range 9 West, EXCEPT the
West 330 feet thereof and reserving a 20 foot easement along the South line of the said Southeast
 $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ for ingress and egress and installation and maintenance of utilities to and
from Bates Road in favor of the excepted parcel.

PARCEL 3 (aka "D" revised):

Situated in the Township of Acme, County of Grand Traverse and State of Michigan, to wit:
A Parcel of land situated in Part of the Southeast One-Quarter (SE $\frac{1}{4}$) of Section 6 and Part of
the Northeast One-Quarter (NE $\frac{1}{4}$) of Section 7, T27N, R09W, Acme Township, Grand Traverse
County, Michigan being more particularly described as: Commencing at the North One-Quarter
(N $\frac{1}{4}$) corner of Section 6, T27N, R09W; thence S00°32'57"W along the North-South One-
Quarter Line of Section 6, a distance of 1405.06 feet to the Center-North One-Sixteenth corner
of Section 6; thence S00°33'00"W along the North-South One-Quarter Line of Section 6, a
distance of 1330.54 feet to the Center One-Quarter corner of Section 6; thence S00°07'24"W
along the North-South One-Quarter Line of Section 6 a distance of 1315.99 feet to the Center-
South One-Sixteenth corner of Section 6 and the Point of Beginning; thence S89°28'32"E along
the South One-Sixteenth Line of Section 6, a distance of 33.00 feet to the East Right-of-Way of
Bates Road; thence continuing S89°28'32"E along the South One-Sixteenth Line of Section 6, a
distance of 254.19 feet; thence S65°24'46"E a distance of 727.74 feet; thence S88°12'11"E a
distance of 433.00 feet; thence N54°04'18"E a distance of 515.59 feet to the South One-
Sixteenth Line of Section 6; thence S89°28'32"E along the South One-Sixteenth Line of Section
6, a distance of 494.85 feet; thence S60°52'40"E a distance of 140.67 feet; thence S89°28'32"E

parallel with the South One-Sixteenth Line of Section 6, a distance of 228.15 feet to the East Line of Section 6; thence S00°49'06"W along the East Line of Section 6, a distance of 1248.86 feet to the Southeast corner of Section 6; thence S00°30'10"W along the East Line of Section 7, a distance of 1320.72 feet to the North One-Sixteenth corner common to Sections 7 & 8, T27N, R09W; thence S00°29'40"W along the East Line of Section 7, a distance of 1320.28 feet to the East One-Quarter corner of Section 7; thence N89°12'42"W along the East-West One-Quarter Line of Section 7, a distance of 1319.82 feet to the Center-East One-Sixteenth corner of Section 7; thence N00°35'04"E along the East One-Sixteenth Line of Section 7, a distance of 1318.02 feet to the Northeast One-Sixteenth corner of Section 7; thence N00°36'53"E along the East One-Sixteenth Line of Section 7, a distance of 1317.28 feet to the East One-Sixteenth corner common to Sections 6 & 7; thence N89°28'33"W along the Line common to Sections 6 & 7, a distance of 1282.20 feet to the East Right-of-Way of Bates Road; thence continuing N89°28'33"W along the Line common to Sections 6 & 7, a distance of 33.00 feet to the One-Quarter corner common to Sections 6 & 7; thence N00°07'52"E along the North-South One-Quarter Line of Section 6, a distance of 1315.84 feet to the Point of Beginning.

PARCEL 4 (aka "E"):

Situated in the Township of Whitewater, County of Grand Traverse and State of Michigan, to wit:

The North half of the Southeast quarter of the Southwest quarter, all of Section 5, Town 27 North, Range 9 West.

PARCEL 5 (aka "F"):

Situated in the Township of Whitewater, County of Grand Traverse and State of Michigan, to wit:

The South half of the Southeast quarter of the Southwest quarter, all of Section 5, Town 27 North, Range 9 West.

PARCEL 6 (aka "I"):

Situated in the Township of Whitewater, County of Grand Traverse and State of Michigan, to wit:

The South ½ of the Southeast quarter, Section 5, Town 27 North, Range 9 West EXCEPT that part of the Southeast 1/4 of Section 5, Township 27 North, Range 9 West, described as: Beginning at the Southeast corner of said Section 5; thence North 00°08'15" East, along the East line of said Section and the centerline of Moore Road, 660.69 feet; thence North 89°32'08" West, 1650.00 feet; thence South 00°08'15" West, to the South line of said Section, 660.00 feet; thence South 89°30'42" East, along said South line, 1650.00 feet to the Point of Beginning.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging to or in anyway appertaining thereto.

Subject to any and all easements, conditions, reservations, encumbrances and limitations of record and further subject to applicable building and use restrictions, zoning laws and ordinances, if any affecting the premises.

FLORIDA INDIVIDUAL ACKNOWLEDGMENT
F.S. 117.05(13)

State of Florida

County of Collier

The foregoing instrument was acknowledged before
me by means of

☒ Physical Presence,

— OR —

☐ Online Notarization,

this 30th day of December, 2022, by
Date Month Year

mark w. Johnson

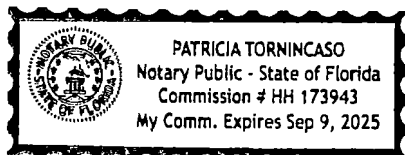
Name of Person Acknowledging

Patricia Tornincaso

Signature of Notary Public — State of Florida

Patricia Tornincaso

Name of Notary Typed, Printed or Stamped



Place Notary Seal Stamp Above

☐ Personally known

☒ Produced Identification

Type of Identification Produced: Michigan

Driver's License

OPTIONAL

Completing this information can deter alteration of the document or
fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Warranty Deed

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Prepared by:
Roy Jay Montney, Jr., Attorney at Law
Montney Isles, P.L.C.
1022 E. Front St.
Traverse City, MI 49686

When recorded return to:
High Pointe Holdings, LLC
332 Potter Rd
West Palm Beach, FL 33405

Property Tax No: 28-01-001-006-00; ✓
28-01-002-017-00; ✓
28-01-003-003-00; ✓
28-13-005-014-00; ✓
28-13-005-015-00; ✓
28-13-005-019-01 ✓

Send subsequent tax bills to: Grantee



WHITEWATER TOWNSHIP

5777 Vinton Road • P.O. Box 159 • Williamsburg, MI 49690 (231)
267-5141 • FAX (231) 267-9020

TO: Whitewater Township Board
FROM: Whitewater Township Planning Commission
DATE: March 07, 2024
RE: Planning Commission Annual Report - 2023

The Planning Commission (PC) is a body of seven members comprised of six appointed officials and one member of the Board of Trustees. It is created pursuant to The Michigan Planning Enabling Act of 2008 (MPEA) and Whitewater Township Ordinance 42. The PC holds regular monthly meetings on the first Wednesday of the month. The PC is tasked with all responsibilities contained in the MPEA, including reviewing applications for site plan review, special land uses, planned unit developments, and rezonings. The PC is also required to hold necessary public hearings for zoning text amendments and is entrusted to incorporate the application of policies initiated in the Whitewater Township Master Plan while reviewing development decisions.

PURPOSE OF THE ANNUAL REPORT

The Michigan Planning Enabling Act contains language of the requirement of the PC to prepare an annual report to the Board of Trustees: "A planning commission shall make an annual written report to the legislative body related to planning and development." Benefits of the annual report include increased information sharing between staff, boards, commission, and the governing body, as well as allowing for anticipating upcoming issues and priorities to prepare and budget accordingly.

MEMBERSHIP	TERM EXPIRES	OF NOTE
Rachel Steelman, Chair	12/31/2024	Resignation effective 03/15/2024
Al Keaton, Vice Chair	12/31/2026	Reappointed 12/12/2023
Mike Jacobsen, Secretary	12/31/2024	
Heidi Vollmuth, Board Rep.	11/30/2024	
Carlyle Wroubel	12/31/2025	
Keith DeYoung	12/31/2025	
Linda Slopsema	12/31/2026	Appointed 09/12/23, reappointed 12/12/2023
Rod Rebant	12/31/2023	Resigned 07/11/2023

II. ZONING ADMINISTRATOR:

Whitewater Township Zoning Annual Report – 2023

ZONING

Rather than breaking it down by the exact numbers, it is most important to realize several important trends which were been prevalent in the past and continued into this year. Single family home permits are steadily on the rise – this is indicative of a community that is not built out and is still ‘developing’. Agricultural land continues to be divided for the purpose of providing additional parcels which are able to be built upon. In the calendar year 2023, there were 14 ‘new’ parcels added in Whitewater Township.

The Zoning Administrator receives numerous inquiries about development potential of certain properties, mostly along the M-72 corridor between the western township boundary near the casino, eastward to about Cook Road. This area involves vast areas of the Commercial, Village, Industrial, and R3-Residential zoning districts. One might surmise that there is interest being expressed in this geographical location for just that purpose – potential development to meet area needs.



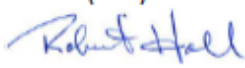
PLANNING

Planning (and planning properly) is the ‘backbone’ of Whitewater Township – great strides have been made towards not only the update of the Whitewater Township Master Plan, but also the reorganization of the Zoning Ordinance into a more user-friendly document. Successful community engagement has been demonstrated and is expected to result in a superb document that is community supported. As the planning commission ventures into goal setting, an attachment to this report: *Implementing Community Vision* is for everyone’s review to help keep us on track.

ZONING BOARD of APPEALS

The Zoning Board of Appeals meets when necessary. While most are familiar with typical ‘dimensional’ variances involving setback constraints, they are charged with many more responsibilities. More often during this past year, the Zoning Board of Appeals was asked to address issues involving nonconforming situations (see attached issue of *Planning and Zoning News*).¹ It is hoped that in the future, nonconforming issues and how to deal with them will be addressed in greater detail in the zoning ordinance.

Robert (Bob) Hall



Zoning Administrator

Let us not confuse information with knowledge

¹ Reprinted with permission of the editor / author

III. ZONING - PERMIT ACTIVITY:

▪ Special Use	1	(Major Home Occupation – Myrtle and Maudes)
▪ PUD	0	
▪ Site Plan Review	0	
▪ Subdivision/Site Condo	0	
▪ Land Use Permits:		
➤ New Dwellings	16	
➤ Residential Additions	7	
➤ Accessory Buildings	21	
➤ Other	7	(Examples; fence, roof, deck, gazebo, structural alts., etc.)
➤ Land Division Apps	7	
➤ ZBA Cases	4	(includes 1 referred by the TB)
➤ Demolition	1	

IV. MASTER PLAN:

Significant progress was made on the Whitewater Township Master Plan in 2023. By year-end, the planning process had produced a draft of chapters 1-5, a new community survey, a community open house, and a planning workshop. The survey had a high response rate, and both in-person community outreach efforts were well attended. Between 80 and 100 people attended the open house, and about 60 attended the workshop. Written evaluations received from participants at the workshop documented favorable reviews and impressions. The PC is delighted that the planning process has been open, transparent, and collaborative.

With public outreach efforts completed in November, work has progressed toward developing a complete draft Master Plan. This complete draft is expected on or before the end of March 2024. The PC will then review this document and make edits. After the PC accepts the draft, we expect the process to proceed with the required statutory adoption steps and look forward to adoption later in 2024.

The planning process was supported by creating a Resident Outreach Subcommittee (ROS) that included PC members and members of the community at large. This group did terrific work on the community survey and organizing and conducting the public planning events. North Place Planning, Networks Northwest (community survey), and LIAA (open house and workshop) have also supported the planning process.

V. ZONING UPDATE PROJECT:

Work on the Zoning project continues. The PC is focused on clarifying requirements, and considerable effort has gone into reviewing past amendments to ensure they are included in new material. North Place Planning is systematically reviewing material previously produced by Muni-code and comparing it to printed documents and other provided materials. Zoning Text is also being reorganized to provide a more logical sequence and code organization. Recently, Michigan Geomatics was hired to convert all the legal descriptions contained in the current zoning ordinance to a graphic form. This graphic form will be an official Zoning Map that will be an integral part of the Zoning Ordinance.

VI. MEETINGS:

- The PC held 12 regular meetings and 4 special meetings.
- The PC hosted 2 joint meetings with the Township Board (TB), enhancing communication, productivity, and teamwork.
- The PC appointed a Resident Outreach Subcommittee (ROS) to assist with Master Plan outreach, and they met a total of 12 times outside of regular PC meetings.
- The PC appointed a Special Subcommittee to assist with preparation for our first Joint TB and PC meeting who met twice.

VII. TRAININGS:

- Most PC agenda packets included educational materials on and/or opportunities to attend education regarding relevant topics.
- Randy Mielnik of North Place Planning provided several resources and PPT's to educate the PC at our meetings throughout the year.
- The PC hosted a "movie and popcorn" night for the commission and public regarding "Understanding Your Role As A Planning Commissioner," recorded by Dickinson Wright, PLLC
- Physical copies of the General Ordinance and Zoning Ordinance were printed, put in 3-ring binders, and given to the Planning Commissioners.
- Rachel and Heidi attended a Wexford County seminar put on by Michigan State University (MSU) Extension, titled Planning Commission Roles, and Responsibilities of Extraordinary Governance.
- Rachel completed MSU Extension's Citizens Planner course.
- Heidi and Linda began MSU Extension's Citizens Planner course.
- Heidi listened to an MSU Extension podcast regarding Land Division and watched a video on "The essentials of being a ZBA member" by Dickinson Wright PLLC
- Carl completed 2 MSU Extension courses Online; Introduction to Lakes and ZBA On-Line Certificate Course.
- Mike attended an in-person training in Gaylord, presented by Steve Langworthy from Michigan Townships Association (MTA) called Breaking the Zoning Code.

VIII. 2024 GOALS:

- Continuing education through reading material, subject matter expert presentations, group training, individual Online courses, and/or in-person training.
- Adoption of the Whitewater Master Plan
- Completion of the Zoning update project and adoption of a user-friendly Zoning Ordinance
- Once the PC has an adopted Zoning Ordinance, amendments will be prioritized and updated to better align with the Master Plan.



9304 Wheeler Oaks Drive, Williamsburg, Michigan 49690 734-770-2698 Email: randy@northplaceplanning.com

MEMO

To: Whitewater Township Planning Commission
From: Randy Mielnik, AICP
CC:
Date: February 23, 2024
Re: Zoning Clarification Project Update

Work is progressing on the Zoning Ordinance Clarification Project. Specifically, the following updates can be shared:

1. Scott McLain (Michigan Geomatics) is under contract to review the legal descriptions in the Zoning Ordinance. A purchase order was sent to him on 2-13-2024, and he acknowledged receipt on 2-15-2024. This work will be completed in 60 days. His work scope includes attending one PC meeting in the future to explain the results.
2. Work has progressed on the text of the Zoning Ordinance. A chart showing how the ZO should be reorganized was shared late last year. As mentioned, there are far too many short Articles, and the ZO sections are not grouped as expected (making it harder to find related provisions). As work has progressed, the ZO organization has updated slightly, and a new chart is attached.
3. As you recall, PC members received one binder with the ZO and one with the ZO amendments last year. Several ZO amendments were missing. Some missing amendments have been located, and it should also be clear that some amendments were given a number but were not subsequently approved by the township board. Therefore, they were not adopted. Attached is a chart of amendments that describes each. This updates a similar chart provided to the PC late last year. You may wish to add this to your ZO amendment binder.

From: "scott michigangeomatics.com" <scott@michigangeomatics.com>
Date: February 15, 2024 at 3:30:31 PM EST
To: Randy Mielnik <randy@northplaceplanning.com>
Cc: Ron Popp <supervisorwhitewater@gmail.com>, Rachel Steelman <rsteelmanpc@yahoo.com>
Subject: Re: PO for Survey Work

Scott D. McLain
Professional Surveyor
Michigan Geomatics
5422 Goodrick Road
Traverse City, MI 49684
231-325-2655
Visit us on the Web: www.MichiganGeomatics.com

Hello Scott -
I've attached the signed PO for the survey work related to the Whitewater Township Zoning Ordinance.
I look forward to working with you on this.
Randy

Randy A. Mielnik, AICP
North Place Planning, LLC

55

Proposed New Organization to the Whitewater Township Zoning Ordinance.

UPDATED 2/20/24

OLD	New
ARTICLE 1 SHORT TITLE	ARTICLE I TITLE, PURPOSE, AND SCOPE (COMBINE ART. I, II, XX, XXII, XXIII (SHORT TITLE, PURPOSE, SCOPE, INTERPRETATION, SEPARABILITY, REPEAL, EFFECTIVE DATE)
ARTICLE II INTERPRETATION	ARTICLE II DEFINITIONS (ARTICLE III DEFINITIONS)
ARTICLE III DEFINITIONS	ARTICLE III ZONING MAP AND DISTRICTS (NEW SECTION THAT REPLACES ART. V AND ESTABLISHES THE ZONING MAP AS PART OF THE ZO, IDENTIFIES ZONING DISTRICTS, ETC.)
ARTICLE IV ACCESSORY AND NONCONFORMING USES AND BUILDINGS	ARTICLE IV ZONING DISTRICTS, USE REGULATIONS AND PRIMARY DIMENSIONAL REQUIREMENTS (ARTICLE VI, VII, VIII, IX, X, XI, XII) DESCRIBES ALL ZONING DISTRICTS, PERMITTED SPECIAL USES AND PRIMARY DEVELOPMENT REGULATIONS
ARTICLE V DISTRICTS	ARTICLE V SUPPLEMENTAL DEVELOPMENT STANDARDS AND PROVISIONS (IV. XIII, XIV, XV, XVI, XXIX, XXXIII, XXIX XXXVII)
ARTICLE VI RESIDENTIAL R-1	ARTICLE VI OFF-STREET PARKING, LOADING, LIGHTING AND LANDSCAPE STANDARDS (XXXIX, XXXIII, XXIV)

OLD	New
ARTICLE VII MULTIPLE RESIDENTIAL R-2 and R-3	ARTICLE VII OPTIONAL PLANNED DEVELOPMENTS (ARTICLE XXXI and XXXII) PLANNED UNIT DEVELOPMENT AND CORRIDOR OVERLAY PLANNED UNIT DEVELOPMENT
ARTICLE VIII COMMERCIAL C and VILLAGE V	ARTICLE VIII CONDOMINIUM DEVELOPMENT REGULATIONS (xxviii)
ARTICLE IX INDUSTRIAL	ARTICLE IX SITE PLAN REVIEW (xxv)
ARTICLE X AGRICULTURAL A-1	ARTICLE X SPECIAL LAND USES (xxv)
ARTICLE XI RECREATIONAL RC-1	ARTICLE XI NON-CONFORMING USES AND BUILDINGS (iv)
ARTICLE XII BUILDING LOT SIZES AND YARD REQUIREMENTS	ARTICLE XII SIGN REGULATIONS (xxx)
ARTICLE XIII ESSENTIAL PUBLIC SERVICES	ARTICLE XIII TELECOMMUNICATION TOWERS (xxxv)
ARTICLE XIV WATERFRONT PROPERTY	ARTICLE XIV MOBILE HOME STANDARDS (xxxvi)
ARTICLE XV SANITATION REQUIREMENTS	ARTICLE XV SANITARY LANDFILL AND WASTE DISPOSALS (xvi)
ARTICLE XVI OUTDOOR STORAGE	ARTICLE XV ADMINISTRATION (xvii, xviii, xix, xxi) ADMINISTRATION, ZONING BOARD OF APPEALS, AMENDMENTS, VIOLATIONS
ARTICLE XVII ADMINISTRATION	

OLD	New
ARTICLE XVIII ZONING BOARD OF APPEALS	
ARTICLE XIX REQUEST FOR AMENDMENT	
ARTICLE XX SEPARABILITY	
ARTICLE XXI VIOLATIONS	
ARTICLE XXII EFFECTIVE DATE	
ARTICLE XXIII REPEAL	
ARTICLE XXIV SANITARY LANDFILL AND WASTE DISPOSAL	
ARTICLE XXV SITE PLAN REVIEW AND SPECIAL LAND USES	
ARTICLE XXVI RESERVED	
ARTICLE XXVII RESERVED	
ARTICLE XXVIII CONDOMINIUM DEVELOPMENT REGULATIONS	
ARTICLE XXIX EXTERIOR LIGHTING REGULATIONS	
ARTICLE XXX SIGN REGULATIONS	
ARTICLE XXXI PLANNED UNIT DEVELOPMENT	
ARTICLE XXXII CORRIDOR OVERLAY PLANNED UNIT DEVELOPMENT	
ARTICLE XXXIII LANDSCAPE STANDARDS	
ARTICLE XXXIV OFF-STREET PARKING AND LOADING	

OLD	New
ARTICLE XXXV TELECOMMUNICATION TOWERS	
ARTICLE XXXVI MOBILE HOME STANDARDS	
ARTICLE XXXVII SUPPLEMENTARY PROVISIONS	

DRAFT

WHITEWATER TOWNSHIP ZONING ORDINANCE AMENDMENT CHART

DRAFT & Updated 2/22/2024

AMENDMENT #	EFFECTIVE DATE	SECTIONS AMENDED	DESCRIPTION
Original Adoption			
1	10/23/1973	5.10, 5.11, 5.13	Corrected 3 Legal Descriptions for Zoning Districts (R-1, A-1, N)
2	11/20/1973	6.11, 7.11 , 10.10	Single Family Lot Size Requirements
3	3/18/1975	3.27,5.12, 6.10, 12.10, 18.12	Domestic pets, ZBA, Mobile Homes, Legal Description
4	10/30/1978	5.00,5.13,5.16,19.10,19.11,24.10,24.11	Amendment Process, Create R-3, Rezone N to R-3.
5	6/11/1979	25.10,25.11	Add Special Admin Review Process, Amend ZBA Standards for Decisions
6	6/11/1979	18.10	ZBA Creation
7	10/21/1980	3.14	Mobile Home Def.
8	10/21/1980	3.23	Travel Trailers/ Rec Units
9	7/7/1981	Preamble, 2.10, 3.27, 5.10(23), 5.10(24), 6.11, 6.13, 12.11, 15.11	Preamble, vegetative strip, legal descriptions, boardman river, lot area, yard requirements
10	4/20/1982	3.12,3.13,3.14,6.10,17.14	Mobile Home Park & Dwelling Related Definitions, Land Use Permits
11	8/31/1985	2.10,2.12, 6.10, 6.12, 8.10,9.11 , 10.10,11.10,12.10, 12.12,24.10,25.10	Purposes, Interpretation, Lot Splits, Permitted Uses, artificial bodies of water, Morals, retail uses, special uses, setbacks, migrant workers, junk yards, dwelling sizes, building sizes, variances, hardship, administrative review process
12	5/19/1987	3.29,3.30,3.31,6.14,19.10, 25.12,25.13	Definitions, R-1 Special Uses, Amendments, Special Use Requirements, Bed and Breakfasts
13	11/24/1987	12.11	Building Sizes and Yard Requirements
14	5/31/1988	25.13	Sanitary Landfills
15	12/20/1988	2.12,3.30,3.31,8.12,9.13,11.10,17.14, 19.10, 25.00, 25.10,25.11,25.12,25.13,25.14,25.20	Site Plan, Special Uses, Off Street Parking, Uses Permitted, Land Use Permits, Amendments, Site Plan Review, Standards for Decisions, Site Plan Review Requirements and Procedures, Site Plan Amendments.
16	3/21/1989	8.10,9.10,25.15	Commercial C Permitted Uses, Landscaping
17	8/15/1989	26.00	Sound Regulations
18	2/20/1990	5.12,5.13	Zoning District Boundaries, RC and N
19	9/28/1990	2.10,3.19, 3.32,3.33, 17.14(A), 25.11, 25.12, 25.13, 25.14(1), 25. 14(4)(a), 25. 14(5)(f)(3)	Standards for Decisions, Interpretation, Site Plan, Condos, Site Plan Review Requirements, Plot Plan
20	9/28/1990	3.34, 9.10, 25.20(2), 27.00, 28.00	Condos Regulations, Sign Definitions, Billboards, Environmentally Sensitive Areas, Steep Slopes, Ground Water Recharge, Natural Hazards, Historical Resources
20	10/1/1990	3.34, 9.10 (these two articles have different effective dates)	""

AMENDMENT #	EFFECTIVE DATE	SECTIONS AMENDED	DESCRIPTION
21	4/12/1991	3.34,25.11,25.14,25.20	Ground Water Protection, Underground Storage Tanks, Site Plan Review Standards,
22	7/5/1991	30.00	Sign Regulations
23	1/1/1992	Recodify Zoning Ordinance	Recodify Zoning Ordinance / Readopted
24	5/7/1992 (Readopted 12/24/1992)	3.19, 10.10(f), 25.11, 25.14, 29.00	Exterior Lighting, Site Plan Review, Standards for Decisions, Agricultural Dumps
25	6/5/1992	5.13, 5.16	Rezoning N District
26	12/24/1992	31.00	PUD
27	5/28/1993	5.17	Rezone Property to PUD
28	6/23/1993	6.11, 7.11, 7.13, 8.11, 9.12, 11.10, 12.00, 12.11, rezoning of a parcel in Section 33	Chart with lot sizes, setbacks, etc. Rezoned Land from RC-1 to C-1
29	7/6/1993	5.17	PUD Rezoning
30	6/1/1994	5.17	PUD Rezoning
31	6/1/1994	17.14, 27.12	Land Use Permits, Wetland Regulation/Definition
32	9/13/1996	3.36,3.37,3.38,8.10,8.12, 8.13, 9.11,9.13,12.11, 25. 13 (A), 31. 13(G)(a), 32.00, 33.00, 34.00	Housekeeping Amendments, N District Updates, Definitions, M-72, C-1 R-3 and N Zones Building Sizes and Setbacks, C-1 updates, Hotel/Motel sizes, COPUD, Landscape Standards, Off Street Parking Requirements
33	9/13/1996	6.11	Special Use in R-1 - Schools
34	10/1/1997	3.10	Accessory Buildings
35	10/16/1997	35.00	Telecommunication Towers, Wireless Antennas
36	10/5/1998	8.10,8.14,8.15	Village District Created
37	10/5/1998	5.12,5.13,5.16	Village District and C-1 Legal
38	10/5/1998	5.12,5.13	Several Rezoning- C-1 and N Legals
39	3/6/1999	5.18	Rezoning - COPUD
40	6/9/1999	8.13, 25.20(B)	Sexually-Oriented Businesses
41	10/8/1999	5.13(2)	Rezoning N District
42	7/31/2000	5.18(2)	Rezoning - COPUD
43	6/1/2001	5.18(3)	Rezoning - COPUD
44	2/16/2002	5.17(4)	Rezoning R-3 to PUD Rezoning Whitewater Inn Legal
45	3/4/2003	3.39,5.15,5.19, 11.10(G), 12.11,36.00	Mobile Home Park Definitions, Mobile Home Park District, Remove MHP from R-3, Create Mobile/manufactured Home Park District

AMENDMENT #	EFFECTIVE DATE	SECTIONS AMENDED	DESCRIPTION
46	6/28/2004	10.10(EJ) 10.10(G)	A-1 Permitted Uses,
47	12/7/2004	3.40,3.41	Residential Fences, Outdoor Display Area, Outdoor Inventory Area
48	12/30/2004	5.10	R-1 Zoning District Boundaries - Rezoning
49	4/2/2005	5.10(13)	R-1 Zoning District Boundaries - Rezoning
50	5/20/2005	5.13,5.18	Rezoning N District and COPUD District
51	5/30/2005	14.10	Minimum Area and Frontage Water Frontage
52	8/12/2005	31.00	Planned Unit Development -Rewrite/Update
53	9/10/2005	7.10,7.14,10.11,11.10,11.11 (Article 31 attached)	A1 Permitted Uses, R-2 Special Use, R-3 Special Uses RC-1 Uses Permitted RC-1 Special uses, PUD
54	7/7/2006	4.15	Extension of Non-conforming uses
55	7/7/2006	25.12(B)	Site Plan Public Hearing Notice
56	1/3/2009	12.11	4:1 width to depth ratio and variance provision reference
57	7/7/2009	30.14,30.20 through 30.27	temp signs, off premises signs
58	12/17/2009	18.00	New Article 18 - ZBA
59	12/17/2009	3	New Article 3 Definitions
60	2/13/2010	25.10,25.11,25.12,25.13,25.14,25.15,25.16,25.17,25.18,25.19,25.20	New Site Plan Review and Special Use
61	7/17/2010	30.14,30.15,30.17,30.18,30.19,30.21,30.24,30.25,	Sign Regulations
62	11/25/2010	30.26, 30.27	Amends Administration Section, Zoning Admin.,
63	2/21/2011	17.10,17.12,17.14,17.15,17.1	Temp Buildings, Uses,
64	7/22/2011	3.00,6.10,6.14,25.19,37.20,37.30	Outdoor Wood Furnace, R-1 Uses Permitted and Special Uses, Plot Plan, Raising and Keeping of Animals, Dog Kennels
65	11/26/2012	3.00, 25.21(C), 37.40	Home Occupations
66	10/4/2011	30.19(c)	Temporary Signs and Approval
67	5/25/2012	3.00,6.14, 10.10, 10.11, 11.10, 11.11,12.10,25.20,25.21, 37.50	Cabin/campground definitions, R-1Special Use, A-1 Permitted Uses, RC-1 Permitted Uses, building sizes, Site plan, commercial campgrounds, private family campgrounds
68	4/9/2017	8.13, 12.11	C-1 side Yard, and remove 25 feet from special circumstances
69	7/28/2017	8.11, 12.10, 12.10A, 12.10D, Article 15, Article 26 (elimination of Sound Regulations; article number reserved for future use), Article 36	C-1 and V building sizes and yards, building sizes and yards applicable to all districts, min dwelling size, setbacks, Sanitation Requirements, Repeal sound regs., Mobile Home park standards,
70	7/28/2017	2.10,2.11,2.12,2.13	Purpose, Scope, Interpretation

AMENDMENT #	EFFECTIVE DATE	SECTIONS AMENDED	DESCRIPTION
71	9/15/2017	Article 8, Article 9	Updated Article 8 and 9
72	1/26/2018	Article 3,17.10,17.11,17.12,17.13,17.14,17.15,17.16, 17.17,19.10,19.11,19.12,19.13	Updated Definitions, Update Administration Provisions, Amendment Procedures, Costs
73	6/28/2019	6.10, 6.11, 6.12,6.13, 7.01, 7.10, 7.11, 7.12, 7.13, 7.14 (deleted), 7.50, 7.51,7.61, 7.62, 7.63, Article 14 heading, 14.10, 14.11	R-1 Intent, Permitted Uses in R-1, R-2 Permitted Uses and Special Uses, Lot Sizes, Water Front Property, Boardman River Valley,
74	6/28/2019	6.01,6.10,6.11,6.12,6.13,6.14 (deleted)	R-1 Permitted Uses, Special Uses, Building Sizes, Supplementary Standards
75	Not Adopted	Accessory Dwelling Units	No Evidence of Adoption
76	Not Adopted	Event Barns	No Evidence of Adoption
77	11/27/2019	Article 3, Article 27.	3.00 (add definition of Accessory Building), 27.00 (elimination of Environmentally Sensitive Areas regulations; article number reserved for future use)
78	3/28/2021	Article 3, Article 28	Definitions of Condo Conversion and Revised Article 28.
79	Not Adopted	Marihuana	Marihuana
80	Not Adopted	Marihuana	Marihuana
81	11/11/2021	Section 25.22C.	Home Occupations Have Board Minutes indicating adoption
82	Not Adopted	Article 25 Site Plan Review / Special Use	Article 25 Site Plan Review/Special Use Permit
83	Not Adopted	Preamble, Article 12, Article 14	Preamble, Article 12, Article 14
84	10/6/2022	25.10, 25. 11 (A), 25.21	Site Plan Review, Special Use Requirements and Standards
85	Not Adopted	NA	Medical Marihuana – Articles 3, 6, 9, 10, 25.22E, 37
86	4/2/2023	Article 3 and 28	Article 3 revisions (new/revised definitions), Article 28 (revised in its entirety)

Special Use Permit Public Hearing Preparation

As we prepare for a forthcoming Special Use Permit Public Hearing, we should take time to clarify that our primary job is to adhere to our local ordinances. Rules and requirements to review projects were written long before tonight, and it is our job to implement what our local ordinance says. Residents' concerns and opinions about a project are invaluable as we discern facts identifying potential ordinance issues. We all prefer to make sure decisions are grounded in written rules and objective reasoning rather than personal feelings and general likes and dislikes.

We should encourage residents to focus their contributions on factual information and ordinance issues directly concerning the project under consideration. This approach enables us to make well-informed decisions that align with our responsibilities to uphold the ordinance while considering the community's best interests.

It's essential to understand that our role as the planning commission is to ensure thorough compliance with local laws and regulations. If PC members find that a project meets all the criteria and fulfills the stipulated requirements, we can only approve the request. It should also be known that approval of a Special Use Permit may include approval conditions to address issues that surface.

The PC is committed to upholding the integrity of the Public Hearing process and does not intend to stifle or silence anyone's right to express their opinions or concerns. We value and respect community input and encourage constructive dialogue that contributes meaningfully to decision-making. Together, let us approach this public hearing with a dedication to fairness, adherence to local laws, and a genuine commitment to serving the best interests of our community.

Rachel Steelman



**WHITEWATER TOWNSHIP
GRAND TRAVERSE COUNTY, MICHIGAN
ZONING ORDINANCE AMENDMENT
ORDINANCE NO. [INSERT NUMBER]**

At a meeting of the Township Board of Whitewater Township, Grand Traverse County, Michigan, held at the Whitewater Township Hall on _____, 2022, at __:___ p.m., Township Board Member _____ moved to adopt the following Ordinance, which motion was seconded by Township Board Member _____:

An Ordinance to amend the Whitewater Township Zoning Ordinance, as amended to revise the process for reviewing site plans and special use permit applications, alter the circumstances where an applicant is required to submit a site plan, and amend the process for accepting and reviewing special use permit applications for property located in the Township; in order to maintain the public health, safety, and welfare of the residents of and visitors to Whitewater Township.

THE TOWNSHIP OF WHITEWATER, GRAND TRAVERSE COUNTY, MICHIGAN, ORDAINS:

SECTION 1: AMENDMENT TO ARTICLE XXV SECTION 25.10. The Whitewater Township Zoning Ordinance, Article XXV shall be amended by amending Section 25.10 SITE PLAN REVIEW AUTHORIZATION to read as follows:

25.10 SITE PLAN REVIEW / SPECIAL USE PERMIT (SUP) - AUTHORIZATION AND PROCEDURES

A. The Zoning Administrator and/or Planning Commission as specified in this section shall review and approve, approve with conditions or deny all site plans and special use permit applications submitted under this Ordinance. Each action taken shall be duly recorded in the official record by the Zoning Administrator or in the minutes of the Planning Commission. Those applications which require Planning Commission review will then be submitted to the Planning Commission for action along with the recommendation of the Zoning Administrator as to compliance with Ordinance requirements. The Zoning Administrator shall also seek the recommendation of the Fire Chief, Road Commission, Drain Commission, Health Department, and Michigan Department of Environment Great Lakes and Energy (EGLE), or their successors, where applicable.

B. Following approval of a site plan or special use permit application, the applicant shall comply with all other local and state laws, including any applicable permits or approvals.

SECTION 2: AMENDMENT TO ARTICLE XXV SECTION 25.11(A). The Whitewater Township Zoning Ordinance, Article XXV shall be amended by amending Section 25.11(A). SITE PLAN REVIEW: WHERE REQUIRED to remove the requirement that all proposed uses or

developments in environmentally sensitive areas as required under Article 27.00, Environmentally Sensitive Areas, submit a site plan for review. Section 25.11(A) shall now read as follows:

A. SITE PLAN REVIEW: WHERE REQUIRED

Site plan review shall be required for any of the following activities:

1. Erection, moving, conversion or structural alteration to a building or structure other than a single-family dwelling.
2. Development of non single-family residential uses in single-family districts and development of non-agricultural uses in the agricultural district except for single-family dwellings.
3. All special land uses.
4. Any excavation, filling, soil removal or mining, except for the creation of ponds for agricultural use.
5. All site condominiums, condominium subdivisions and PUD's.

SECTION 3: AMENDMENT TO ARTICLE XXV SECTION 25.21. The Whitewater Township Zoning Ordinance, Article XXV shall be amended by amending Article 25.21: SPECIAL USE PERMIT APPLICATION REQUIREMENTS to read as follows:

25.21 SPECIAL USES

25.21.A. Purpose

This Ordinance divides the Township into districts in which specific uses are permitted which are mutually compatible. In addition, there may be certain other uses which may be appropriate to include in a district due to the specific circumstances surrounding the use, the impact on neighboring uses and public facilities. Such uses, because of their particular location or the particular nature of the service offered, may be established in a district through a special use permit.

25.21.B. Authority to Grant Permits

The Planning Commission has the authority to approve, deny or approve with conditions special use permits in accordance with this Ordinance. If approved or conditionally approved by the Planning Commission, the Zoning Administrator shall issue special use permits.

25.21.C. Application and Fee

Application for any special use permit permissible under the provisions of this Ordinance shall be made to the Zoning Administrator by filing a completed special use permit application form, including all required data, exhibits and information, and depositing the required minimum fee. Such application shall be accompanied by the minimum fee as established from time to time by the Township Board. No part of such fee shall be refundable to the Applicant.

If an application of a complex nature is received, the Zoning Administrator may determine that the application requires the assistance of expert(s) resulting in additional costs. Upon the Zoning

Administrator's determination that expert review is required requiring additional fees, review of the application shall stop until the applicant has paid a minimum additional fee of up to two thousand five hundred (\$2,500.00) dollars. The applicant shall deposit the additional fee with Whitewater Township which shall keep an accurate accounting of the funds in a separate account. If the applicant does not deposit the required amount, no further action on the application shall be taken and it will be deemed denied without prejudice. In consultation with the Township Board, the Zoning Administrator shall use the additional fee to contact and select necessary experts or consultants, receive a work proposal and estimate from the experts on their fees and costs for the application, and for the services of the expert(s) or consultant(s) (i.e., legal opinions or studies).

At the next meeting of the Planning Commission, or prior to the next meeting of the Planning Commission the Zoning Administrator in consultation with the Chair of the Planning Commission, shall: a) establish a budget for the services of the expert(s), meeting costs, zoning administration expenses; and b) send an invoice to the applicant for the amount of the budget established with a request the applicant notify the township within ten (10) days, in writing, that he will withdraw the application, or will proceed and pay the balance of the additional fees based on the budget.

The applicant shall deposit the additional fee with the Township which shall keep an accurate accounting of the funds in the same account. If the applicant does not deposit the required amount, no further action on the application shall be taken and it will be deemed denied without prejudice. The Planning Commission shall use the additional fee to pay the services of the expert(s), meeting costs, and zoning administration expenses.

During the application process, the Planning Commission may from time-to-time modify the budget for such costs. Any additional actual costs incurred in processing such application shall be paid before a permit is issued and may be required to be payable in increments as review of the application progresses. The additional costs shall be for no more than the actual costs incurred by the Township processing the application. No part of such actual cost shall be returnable to the applicant. If there are any remaining monies in the Township's account upon conclusion of the application, those monies shall be returned to the Applicant.

The deposit required by this section is in addition to any security required elsewhere in this Ordinance.

25.21.D. Pre-Application Conference

Applicant(s) may request a meeting with the Zoning Administrator and not more than two (2) members of the Planning Commission before submitting an application. The purpose of the meeting is to discuss special use permit processing procedures, explanation of this Zoning Ordinance, what has been required of similar applications in the past, and to assist the Applicant and Township with understanding of general concepts and design parameters prior to investment in preparation of a site plan or special use permit application. Township officials at this meeting shall not indicate or otherwise commit the Township to any particular action regarding the application.

25.21.E. Information Required in Application

An application for special use permit shall include:

1. The Applicant(s) name(s) and address(s).
2. A signed affidavit identifying whether the Applicant(s) are the owner of the property, have an ownership interest in the property, or are acting on the behalf of owners of the property. If the Applicant(s) do not own the property, then the signed affidavit must also be approved and signed by the property's owner(s).
3. The address and a legal description of the property.
4. A project schedule and development plan.
5. Land uses and existing structures on the subject parcel and adjoining parcels within 300 feet.
6. A written statement regarding the project's anticipated effects on existing infrastructure, including but not limited to traffic, capacity of roads, schools, existing utilities, the natural environment, and water aquifer.
7. A detailed site plan as specified in Article 25.10 et seq. of this Ordinance, unless waived or otherwise determined to be unnecessary by the Planning Commission.

25.21.F. Review for Completeness

Upon receipt of the special use permit application, the Zoning Administrator will review the application for administrative completeness. If the application is not administratively complete, the Zoning Administrator will return the application to the Applicant(s) with a letter that specifies the additional material(s) required. If the application is deemed administratively complete, the Zoning Administrator and Chair of the Planning Commission shall establish a date to hold a public hearing on the special use permit application.

25.21.G. Notice of Public Hearing

1. If the application is administratively complete, the Zoning Administrator shall notify the following persons of the application being considered. This notice must be sent not less than fifteen (15) days before the date of the public hearing. These notices shall be sent to:
 - a. The Applicant(s).
 - b. The owner of the property, if different.
 - c. To all persons to whom real property is assessed within 300 feet of the property that is the subject of the request.
 - d. To the occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the Township.
 - e. The public by notification in a newspaper of general circulation in Whitewater Township.
 - f. The members of the Planning Commission.
 - g. Utility providers, when requested by a utility or otherwise deemed necessary.
 - h. Michigan Department of Transportation, if within 300 feet of a state highway.
 - i. Michigan Department of Environment Great Lakes and Energy (EGLE) if the proposed Special Use is on property with surface water, wetlands, groundwater, or otherwise requires a permit from EGLE.

2. Failure of the Zoning Administrator to notify those persons and entities listed in Subsection 25.21.G of this Ordinance shall not be grounds to challenge the validity of the proposed special use permit, provided notice has been given in accordance with the Michigan Zoning Enabling Act. The notice shall include:
 - a. A description of the nature of the special use permit being requested.
 - b. The property(-ies) for which the request has been made. A listing of all existing street addresses within the property(-ies) subject of the Special Use (i.e., street addresses do not need to be created and listed if no such addresses currently exist and another means of identification may be used.)
 - c. Where the application documents can be viewed prior to the date of its consideration.
 - d. When and where written comments will be received concerning the request.
 - e. The date, time and location of the public hearing where the request will be considered.
 - f. The address at which written comments may be directed prior to Township consideration.
 - g. For members of the Planning Commission only, a complete copy of the special use permit application and supporting documents in the record.
3. Any person or entity that receives notice pursuant to this section of this Ordinance may choose to submit material to the Planning Commission. Such submissions shall be delivered to the Township at or before the hearing on the issue. Such submissions shall be considered advice to the Planning Commission. The applicant may wish to review an application with Grand Traverse County, Grand Traverse Band, public utilities, EGLE, road agencies, and other governing authorities having jurisdiction over the proposed special use prior to the hearing, or prior to submitting the application to the Commission.

25.21.H. Hearing and Decision

The Planning Commission shall hold a public hearing on the special use permit application to receive input from the general public. Anyone who receives notice pursuant to Section 25.21.G may choose to submit material to the Planning Commission. Such submissions shall be delivered to the Township at or before the public hearing. Such submissions shall be considered advice to the Planning Commission.

The Planning Commission shall either approve, approve with conditions, or deny the application. The decision shall be in writing and clearly state the reasons for the decision. At a minimum the record of the decision shall include:

1. A summary of public comments made at the hearing;
2. Formal finding of facts;
3. The conclusions derived from the facts (reasons for the decision);
4. The decision; and
5. A listing of any conditions upon which issuing a permit is issued.

25.21.I. Special Use Permit Standards

1. In addition to the standards established for specific uses herein, an application for a special use permit shall be reviewed for compliance with site plan review standards in Article 25.10 through 25.20 of this Ordinance. The Planning Commission may impose reasonable conditions upon a special use permit.
2. No special use permit shall be approved unless all of the following standards are met. Each application shall be reviewed for the purpose of determining that the proposed Special Use shall:
 - a. Be designed, constructed, operated and maintained so as to be harmonious and compatible with the existing or intended character of the general vicinity, and that the use will not change the essential character of the area in which it is proposed.
 - b. Be adequately served by essential public facilities and services such as highways, streets, fire and safety, drainage, refuse disposal, water and sewage treatment, etc.
 - c. Not create excessive additional public costs for essential public services or facilities.
 - d. Not involve activities, processes, materials, equipment or conditions that will be detrimental to any persons, property, or the public from the traffic, noise, smoke, vibration, fumes, glare, odors, etc.
 - e. Be sufficiently designed to maintain adequate provision for the protection of the health, safety, and welfare of those proposing the special use, residents and adjoining landowners and the community as a whole.
 - f. Be consistent with the intent of this Zoning Ordinance and the Master Plan.
 - g. Not create or substantially add to traffic hazards.
 - h. Not have significant adverse impacts to environmental, ecological, or natural resources.
 - i. Be in compliance with the requirements of the applicable local, county, state, and federal laws or regulations.
 - j. Not have significant adverse impacts on adjoining properties, or to allowed or established uses.

25.21.J. Special Land Use Permit Conditions

Special Land Use Permits can be granted with conditions imposed by the Planning Commission consistent with MCL 125.3504 (4). Any conditions, limitations or requirements upon which approval is based shall be based upon findings of fact and be:

1. Reasonable and designed to protect natural resources, the health, safety and welfare of the public;
2. Relevant to the social and economic well-being of the owners and occupants of the lot in question, of the area adjacent thereto and of the community as a whole;
3. Related to the purposes which are affected by the proposed use or activity;

4. Consistent with the intent and purpose of this Ordinance, generally and specifically, for the respective zoning district;
5. Designed to ensure compatibility with adjacent uses of land and the natural environment; and the proposed special use or activity will be designed to ensure compatibility with public services and facilities.

25.21.K. Record of Special Land Use Permit

Following approval of a SUP the Zoning Administrator shall generate a report incorporating the approved findings, conditions, and any applicable restrictions. This report shall be signed by the applicant and the Chair or Secretary of the Planning Commission and the applicant. A copy of the signed report will be provided to the applicant and retained in the township's files.

A notice of the special use permit shall be recorded with a property description with the Grand Traverse County Register of Deeds. The applicant shall provide proof of recording to the Township. The application and all other information relating to the special use permit shall be filed with the Township by the Zoning Administrator.

25.21.L. Security Requirement

To ensure compliance with relevant sections of the Zoning Ordinance, site plan, and any special use permit conditions, limitations or requirements imposed by the Planning Commission as necessary to protect natural resources or the health, safety, and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area, in addition to action 25.16 Site Plan Performance Guarantee the Planning Commission, may require a cash deposit, certified check, irrevocable bank letter of credit or surety bond in an amount and under the conditions permitted by law. Such security shall be deposited with the Township at the time of the issuance of the special use permit authorizing the commencement of such project. Where the project will take more than ninety (90) days to be completed, the Planning Commission may authorize a rebate of any cash deposit in reasonable proportion to the ratio of the work completed as the work progresses. Such security shall not exceed the estimated cost of the required conditions, limitations, requirements for which the security is designed to ensure compliance.

25.21.M. Amendment of Special Use Permits

Minor amendments are those which are determined by the Zoning Administrator to have no foreseeable effect beyond property receiving a special use permit such as minor changes in the location of buildings, the alignment of utilities, and the alignment of interior roadways. Minor amendments for good cause may be authorized by the Zoning Administrator provided that no such changes shall increase the size or height of structures, reduce the efficiency of public facilities serving the property, reduce usable open space, or encroach on natural features proposed by the plan to be protected.

Any amendment not qualifying as a minor amendment as determined by the Zoning Administrator shall be considered a major amendment and must be approved by the Planning Commission

according to the procedures authorized by this Article for approval of a condominium development.

Major amendments to special use permits shall be handled in the same manner as the initial special use permit application. Minor special use permit amendments shall be reviewed by the Zoning Administrator. Major special use permit amendments, requests falling outside the scope of the Zoning Administrator's authority, or any item the Zoning Administrator deems necessary shall be presented to the Planning Commission for their consideration.

25.21.N. Transfer of Special Use Permit

A special use permit, with any and all associated benefits, conditions and required security shall run with the land and shall be binding on the landowner, and his or her successors, heirs and assigns. The responsibility for effecting the transfer of required security shall be the original landowner (or their heir(s) if the original landowner is deceased), who shall request a return of their required security, if any, from the Township Zoning Administrator. The Zoning Administrator shall contact the new property owner to see if they wish to continue the authorized special use permit by providing the security requirement. Upon the new property owner providing the Township the required security or an affirmative statement they wish to rescind the special use permit, the Zoning Administrator shall return the required security provided by the original property owner to the original property owner.

25.21.O. Construction Code Permits

A special use permit shall be required prior to the issuance of a building permit from the Grand Traverse County Building Department pursuant the then-applicable construction code pursuant to the State Construction Code Act.

25.21.P. Expiration of Special Use Permits

A special use permit shall be valid for as long as the approved special use continues in accordance with the terms and conditions of the approved permit. The special use permit will expire on the occurrence of one or more of the following conditions:

1. If replaced or superseded by a subsequent special use permit.
2. If replaced or superseded by a permitted use.
3. If the applicant requests the rescinding of the special use permit.
4. If the use is discontinued, relocated, or vacated for a period of one (1) year. Notice of the expiration shall be given to the property owner in writing.
5. If the construction or use has not commenced and proceeded meaningfully toward completion within one (1) year of issuance, the special use permit shall be null and void, unless an extension is granted by the Planning Commission.

25.21.Q. Violation of Special Use Permit

Any violation of the terms, conditions or limitations of a special use permit shall be cause for revocation or suspension of the special use permit. The Planning Commission may either revoke

or suspend, pending correction of the violation, any special use permit. The act to revoke or suspend the special use permit shall occur after giving notice to the permit holder, specifying the violation(s) alleged to exist and when a hearing will be held on the matter. The notice shall be delivered by registered mail. Any interested party may appear in person or by attorney at the hearing. The act to revoke or suspend the special use permit shall occur after or at the hearing on the matter. Before revoking or suspending the permit the Zoning Administrator shall make a finding that a material violation of the special use permit exists and shall provide written notice to the applicant and the landowner of record, if different parties. The permit holder shall be given a reasonable opportunity to correct the violation(s).

SECTION 4: CONFLICT AND INTERPRETATION.

The standards and provisions of this Zoning Amendment shall be interpreted as being the minimum requirements necessary to uphold the purposes of this Ordinance. Whenever this Zoning Amendment imposes a higher standard than that required by other regulations, ordinances, or rules, or by easements, covenants or agreements, the provisions of this Zoning Amendment shall govern. When the provisions of any other statute impose higher standards the provisions of such statutes shall govern. When it is alleged by a petitioner that there is an error in interpretation of this Zoning Amendment by the Zoning Administrator or designee, the Whitewater Township Zoning Board of Appeals pursuant to Article 18 of the Zoning Ordinance shall review such an appeal, provided that a written appeal is filed within thirty (30) days of the decision of the Zoning Administrator or designee. The concurring vote of a majority of the Zoning Board of Appeals shall be necessary to reverse any interpretation of this Zoning Amendment by the Zoning Administrator or designee.

SECTION 5: SAVINGS CLAUSE.

All proceedings pending and rights and liabilities existing, acquired or incurred at the time this Zoning Amendment takes effect are saved and may be consummated according to the law in force when they were commenced.

SECTION 6: SEVERABILITY. The provisions of this Ordinance are declared severable. If any part of this Ordinance is declared invalid for any reason by a court of competent jurisdiction, that declaration does not affect or impair the validity of all other provisions that are not subject to that declaration.

SECTION 7: EFFECTIVE DATE. This Ordinance shall become effective seven (7) days after publication of a notice of adoption of this Ordinance, unless referendum procedures are initiated under MCL 125.3402. If referendum procedures are initiated, this Ordinance will take effect in accordance with MCL 125.3402.

SECTION 8: REPEAL. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

YEAS: _____

NAYS: _____

ABSENT/ABSTAIN: _____

ORDINANCE DECLARED ADOPTED.

Ron Popp, Whitewater Township Supervisor

CERTIFICATION

I hereby certify that:

1. The above is a true copy of an Ordinance adopted by the Whitewater Township Board at a duly scheduled and noticed meeting of that Township Board held on _____, 2022, pursuant to the required statutory procedures.
2. A summary of the above Ordinance was duly published in the _____ newspaper, a newspaper that circulates within Whitewater Township, on _____, 2022.
3. Within 1 week after such publication, I recorded the above Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the ordinance, the names of the members of the township board voting, and how each member voted.
4. I filed an attested copy of the above Ordinance with the Grand Traverse County Clerk on _____, 2022.

ATTESTED:

Cheryl Goss, Whitewater Township Clerk

EDUCATION:

https://fsbriaw.com/2023/06/29/special-and-conditional-use-permits-the-dos-and-the-donts/?utm_source=Township+Law+E-Letters&utm_campaign=fdfaa4c679-EMAIL_CAMPAIGN_2019_08_29_07_28_COPY_01&utm_medium=email&utm_term=0_f8ff3e4ef8-fdfaa4c679-81650249&mc_cid=fdfaa4c679&mc_eid=b1c2ea8183

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We are involved in our communities, our profession, and our clients' associations and activities.

Special and Conditional Use Permits – The “Do’s” and the “Don’ts”

In this month’s E-Letter we will consider conditional use permits, also known as special use permits, and how your township can create clear decisions in which you can place confidence. First, we will quickly discuss what a conditional use permit is. Then we will cover several best practices to “Do” while also highlighting common pitfalls to avoid. Whether your township is facing growth and development with multiple permit requests or your planning commission might see only one permit request a year (if that!) these tips will help position local leaders for success. Read on to learn about notice requirements, establishing a fair process, why your township should issue written decisions, and the various resources available to the community to help make the right decision for your citizens.

WHAT IS A CONDITIONAL USE PERMIT?

These permits go by several names: a “SUP” is a “Special Use Permit;” a “CUP” is a “Conditional Use Permit;” a “SLUP” is a “Special Land Use Permit.” There is no explicit definition or requirement to use a particular term in the local zoning ordinance. Whatever the nomenclature in the township zoning ordinance for these “extra” land uses does not impact their nature or the procedures that should be used.

Typically uses are permitted by right only if specifically listed as principal permitted uses in the various zoning districts or are similar to such listed uses. Accessory uses are permitted as listed in the various zoning districts or if similar to such listed uses, and if such uses are customary and clearly incidental to the permitted principal uses. Special or conditional uses are permitted only as listed and if the required conditions are met.

Conditional uses are uses that are conditionally allowed in a district if approved under a particular article or section of your township's Zoning Ordinance and which are subject to conditional approval by (typically) the planning commission and township board. The Michigan Zoning Enabling Act ("MZEA") allows an "official" to grant approval but almost always the review and approval is by a commission or board. This procedure of allowing special exception uses enables a local planning commission, together with the legislative body, to anticipate the uses needed in particularly zoned districts and to regulate them in advance by setting criteria for permitting them. Zoning enabling acts specifically permit a zoning body to include special land uses in a zoning ordinance. See MCL 125.3502.

DO: PLAN FOR AND PROVIDE NOTICE

Notice of Conditional Use Permit applications must be given to the neighborhood and community. MCL 125.3103. All property owners and occupants within 300 feet of the proposed use must be mailed written notice at least 15 days before the Conditional Use Permit is considered. Online maps and the GIS overlay can help measure distances. We recommend measuring the 300 feet from parcel boundary line to parcel boundary line to ensure sufficient notice.

Additionally, if the township also holds a public hearing, then notice must be printed in the local newspaper 15 days before the meeting. This often requires several more days of advance notice. For example, a weekly paper may only publish on a Friday or Saturday. They may require notices to be submitted by the Tuesday before the publication date. If the Township will consider the request on a Tuesday, then notice will need to be given to the newspaper 21 days before the hearing.

Consider a meeting to be held at the end of the month on Tuesday, June 27. Notice would need to be sent to the newspaper on the first Tuesday, June 6 and published that Saturday, June 10. At the second Tuesday (June 13), it will be published for four days (Saturday, Sunday, Monday, Tuesday). At the third Tuesday (June 20), it will be published for 11 days. Then by the fourth Tuesday (June 27) it will have been published for 18 days; the extra publication days account for it running on a Saturday.

In that scenario, notice would be mailed no later than Monday, June 12 which is 15 days before the hearing on June 27.

DO NOT SIMPLY FOLLOW “HOW IT HAS ALWAYS BEEN DONE”

Your Zoning Ordinance must specify: 1) the special land uses and activities eligible for approval; 2) the body or official charged with reviewing special land uses and granting approval; 3) the requirements and standards upon which decisions on requests for special land use approval are based; and, 4) the procedures and supporting materials required for applications, review, and approval. Follow these statutory and ordinance procedures.

Consult your particular Zoning Ordinance to determine your specific conditional use permit process. Does the Planning Commission approve the Conditional Use or only make a recommendation to the Township Board? Perhaps there are special uses. For example, the Planning Commission might typically approve the conditional uses but in the case of projects over 25,000 square feet or for marihuana land uses (if authorized!), it may be a recommendation with the Township Board having the final say.

What items are required to be submitted with a Conditional Use Permit Application? Is everything provided? Is a site plan required? (The answer is often, but not always, yes.) If so, are all the required elements of the site plan shown? Are there specific concerns? Should the permit be subject to renewal? If so, when? Does location or 24-hour security lighting require a detailed lighting plan? Will there be significant deliveries from semi-trucks that require a close examination of traffic flows, parking, and unloading zones?

When applications are submitted, either for a new permit or renewal, ask for additional information or explanations any time it is needed to truly evaluate the issuance of a particular CUP. It's better to deny an applicant than to revoke a CUP after the fact. Additional information may be requested after discussing the project at a meeting when concerns come to light. Such due diligence will help minimize unnecessary disputes and litigation over misunderstandings or miscommunications. There is no such thing as being too “fussy” about an application when issuing a CUP.

DO: TREAT ALL APPLICANTS EQUALLY

It can be tempting to require less information or be less rigorous when township staff or officials are familiar with an applicant. Often this is not from any overt

partiality but rather from simple familiarity and trust. “I know John, so I’m sure everything is here. I don’t need to review this as closely.” Such an attitude can lead to mistakes, unintentional oversights, and accusations of favoritism.

Another example might be not requiring a site plan for additions to an existing use or for projects which seem less intensive. Admittedly, site plan requirements can be specific and time consuming. All the details may not be required for every property or use. In other circumstances, a recent site plan may still be on file. Follow the township procedures and ordinance consistently and if a certain criteria is often waived or not valuable, make amendments and adjustments based on the evidence and experience.

Ensure the Township ordinance and procedures match how the Conditional Use Permit process is administered on the ground. Consider providing for different levels of site plan review with different details. Establish a clear procedure for waiving or modifying conditions and reasonable standards for a waiver. Ensure such modifications are reflected in the file.

DO: UTILIZE A WRITTEN DECISION

Common factors a Zoning Ordinance will require to be met by a project or development for CUP approval are:

- Be designed to protect natural resources, as well as the health, safety, welfare, and social and economic well-being of those residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole;
- Be related to the valid exercise of the police power in relation to the purposes of the proposed use or activity;
- Be necessary to meet the intent and purpose of the Ordinance for that zoning district;
- Be related to the standards established in the ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards; and,
- Ensure that public services and facilities affected by the proposed land use or activity will be capable of accommodating increased facility loads caused by the land use or activity.

These and other land use requirements can seem overwhelming. Using a written decision will help guide the board or commission to ensure they consider each aspect and make clear findings. If the township sees a lot of conditional use requests, then it may want to develop a form that can be filled out as part of the official record. If they are less frequent or a particularly sensitive use, then drafting a formal resolution may be appropriate. The Planning Commission may make

findings on the record at one meeting, commission a member or staff to draft a resolution, and then consider and adopt the resolution consistent with their decision at a meeting the following month. Whether approving or denying the Conditional Use Permit, a written record will aid all involved.

DO NOT ISSUE A STANDARD CONDITIONAL USE PERMIT; RATHER USE CONDITIONS

Your Planning Commission may recommend conditions on a Conditional Use Permit necessary to protect the Township. Any approval of a Conditional Use Permit must outline the basis for the decision and any conditions imposed. If your Zoning Ordinance identifies the factors that your municipality will use to approve or disapprove a CUP application (the vast majority of Zoning Ordinances do – if they do not you better call us fast!) then consider only the factors your Zoning Ordinance outlines. An example of a recommended condition: screening must be used so the use “will not be hazardous or disturbing to existing or planned neighboring uses.”

Consider general zoning conditions applicable to an entire district or township-wide. Before getting to the specific or special uses of the applicant’s request, do not forget to include the general conditions of your municipality’s Zoning Ordinance in any SUP or CUP that is issued. As a general rule, any regulations established by a Zoning Ordinance within each zoning district should be the minimum regulations for promoting and protecting the public health, safety, and general welfare and must be uniform for each permitted or approved use of land or building, dwelling and structure throughout each district. A municipality’s public health, safety, and general welfare provisions can come in many varieties depending on the zoning district or may span more than a single district. We recommend a frequent review of such provisions to make sure your general conditions are accounted for in each SUP issued. As an added precaution, there is no real downside to providing a catchall provision similar to the one used above.

Many municipalities address general conditions, and their zoning purposes, in their application forms by asking questions of the applicant, i.e., how will you Mr./Ms. Applicant ensure that your development or project will be consistent and compliant with all applicable provisions in our Zoning Ordinance?

Conditions are not limited to the initial application. For example, an original site plan may call for a phased plan of construction and development. Upon renewal of

this particular SUP, an issue of what phase the applicant was in and whether they were still compliant with the site plan as approved arose. Here the SUP could be renewed with the condition that there would be an inspection performed within a set timeframe to determine whether the compliance issues were resolved. It was a creative way to not abruptly revoke the permit but at the same time establish a process for compliance in a relatively short period of time. It's always better to gain compliance than let a dispute fester and turn into a lawsuit!

Working through the general and specific requirements of the Zoning Ordinance will help establish and articulate the factual findings supporting a given decision. Objective and reasonable criteria connected with and supported by the Zoning Ordinance will greatly enhance and protect the final decision. Whether the township is denying a development or approving a polarizing land use, making clear findings will help each side know they were heard by the township and reduce future conflicts surrounding the decision.

DO REMAIN AWARE OF PREVIOUS CONDITIONS, ZONING AND OTHERWISE

Are there land division ordinance conditions that apply to the particular property in question? Did a prior land division require a public road rather than a private road? Has the County Road Commission accepted the road? The applicant must be compliant with not only the zoning ordinance but all other township ordinances. Other governmental units may have conditions. Are their concerns about water? Has the county drain commissioner issued any conditions? Make sure these additional conditions affecting the issuance or renewal of a conditional use permit are addressed early on in the process. A condition is only as good as it is enforced. Diligence will minimize worry and reduce the prospect of costly litigation.

DO NOT GO IT ALONE

Professionals are here to help and the Applicant can help carry the financial load. Your township attorney, engineers, planners, and other subject matter experts can help the township navigate a conditional use permit. An engineer may be required to evaluate structural components or physical property characteristics. An attorney can assist with process, procedure, and drafting documents to implement township policies and decisions. A wetland or wildlife expert may be needed to evaluate impacts from a specific project. Escrow fees can be required from applicants that will cover the cost of engaging appropriate experts.

These ensure that the township has the expertise and insight needed at each level to consider and independently evaluate an application or proposed land use. At the same time, the general public need not carry the burden of ensuring that the private development for private gain does not harm the public interest.

Also, consider requiring a performance guarantee deposit to ensure the applicant will be in compliance with your Zoning Ordinance and any condition imposed via a CUP. This helps to ensure the project is finished consistent with the final plans and not at 90% complete. Similar mechanisms can be used for obligations long in the future such as decommissioning or reclamation.

By: Steven Baker and Matt Kuschel

This publication is intended for educational purposes only. This communication highlights specific areas of law and is not legal advice. The reader should consult an attorney to determine how the information applies to any specific situation.

EDUCATION:

From: LindaPC <wwtslopsema@gmail.com>

Date: February 18, 2024 at 7:57:13 PM EST

To: Rachel Steelman <rsteelmanpc@yahoo.com>, Randy Mielnik <randy@northplaceplanning.com>, LindaPC <wwtslopsema@gmail.com>

Subject: Educational Discussion for March PC Meeting

Attached summary of the situation including links to the (2) Ticker articles

I think it is helpful to the PC to see how this development proposal has been processed by Leland and discuss the comments provided and how it would relate if a similar proposal came to WWT.

The following questions and observations stand out to me:

- What does and does not the C-1 zoning allow per the ZO?
- How is the need for a PUD defined in the ZO or state documents?
- Nice words like "character" without clear definition is difficult to apply consistently and fairly.
- Developers can and absolutely will use their legal rights to appeal to the ZBA and the court system if the ZO is not absolutely objective and clear. In many cases they have plenty of experience or hire experienced professionals to move their project through the various systems.

How would a similar proposal go in WWT?

What should we take away from this example?

Note: there are similar activities taking place related to a permit for a motorcycle race in Leelanau County.

Linda Slopsema

Whitewater Township Planning Commission

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Summary: Leland Development Fight

Ref: The TICKER Art Bukowski | Dec. 15, 2023 and Feb. 14, 2024

<https://www.leelanauticker.com/news/leland-development-battle-teed-up-for-court/>

A proposed development in Leland is headed to circuit court. The property at the intersection of Main and William streets in Leland is zoned C-1 commercial.

The Leland Township zoning board of appeals (ZBA) affirmed the township planning commission's decision to deny a special use permit for a proposed 11,590-square foot mixed-use development that would have retail space on the ground floor with residential units above.

Residents claim it doesn't fit with the character of small-town Leland.

The PC chair stated “that while character is not in fact well-defined in township rules, it’s a critical element of the township’s zoning policy and master plan and is a “very important thing” for public officials to consider.”

The developer plans to file suit in circuit court now that the township approval and appeals process has run its course. Michigan law states that parties who disagree with a ZBA’s decision are entitled to a judicial review of that decision in the local circuit court.

Peterson claims that he should not have been subjected to township approvals because the project is a use by right, exempting the project from government approvals as long as the plans meet zoning rules.

The township disagrees, classifying the project as a planned unit development (PUD) subject to additional oversight.

ARTICLE:



Lawsuit 'Teed Up' in Leland Development Fight

By Art Bukowski | Feb. 14, 2024

A contentious proposed development in Leland is officially out of runway from a government proceedings standpoint, but the developer plans to push the project forward in court.

The Leland Township zoning board of appeals (ZBA) on Monday affirmed the township planning commission's **decision to deny a special use permit** for a proposed 11,590-square foot building at the intersection of Main and William streets in Leland. The mixed-use development would have retail space on the ground floor with residential units above.

The proposed development has been vigorously opposed by many who feel it **doesn't fit with Leland's small-town character**.

Developer Joel Peterson says he wasn't holding out hope for relief from the ZBA, and he plans to file suit in circuit court now that the township approval and appeals process has run its course. Michigan law states that parties who disagree with a ZBA's decision are entitled to a judicial review of that decision in the local circuit court.

"My attorney has pretty much already teed the whole thing up," Peterson tells *The Ticker*. "And I'm no lawyer, but I think his arguments are pretty devastating."

Peterson has claimed since the beginning that he should not have been subjected to township approvals because the project is a use by right. The concept of use by right in zoning relates to a property owner's right to build on their property without additional government approvals as long as their plans meet zoning rules.

The township disagrees, classifying the project as a planned unit development (PUD) subject to additional oversight. Peterson says the township recently claimed for the first time in this months-long saga that residences are prohibited on the property, which is zoned C-1 commercial.

"The township just last week completely switched their position and said residential uses aren't allowed at all in C-1," he says. "I don't think a judge is going to look too kindly on it, but we'll see."

Township Zoning Administrator Tim Cypher says the ZBA will meet in a few weeks to approve the minutes and a findings document tied to this week's decision, but declined further comment. Township Supervisor Susan Och declined comment, citing impending litigation. Peterson says his attorney will wait until the minutes and findings document are approved before filing in circuit court.

"All it does is just drag the process out for me," he says.

Peterson claims that it's been a "vocal minority" that has opposed his project, and that he's already had interest from locals looking to secure space in the development.

Keith Ashley is a Leland resident and former planning commission chair who has helped organize opposition to the project. He says he hopes Peterson reconsiders his decision to head to court and either proposes a different use for the property or redesigns it to be more palatable. The overwhelming majority of local residents are opposed to the project as currently designed, Ashley says.

"Leland village proper has 400 or 450 citizens, and 200 of them wrote letters in opposition of this. If you can get 50 percent of the people to come out and write letters, you know it really struck a nerve," he tells *The Ticker*.