

WHITEWATER TOWNSHIP PLANNING COMMISSION

AGENDA FOR REGULAR MEETING, July 10 2019

7:00 PM, Whitewater Township Hall
5777 Vinton Road, Williamsburg, MI 49690
Phone 231-267-5141/Fax 231-267-9020

1. Call to Order/Pledge Allegiance
2. Roll Call of Commission Members
3. Set/Adjust Meeting Agenda
4. Declaration of Conflict of Interest
5. **Public Comment:** Any person shall be permitted to address a meeting of the Planning Commission. Public comments shall be carried out in accordance with the following rules and procedures:
 - a. Comments shall be directed to the Commission, with questions directed to the Chair.
 - b. Any person wishing to address the Commission shall speak from the lectern and state his/her name and address
 - c. Persons may address the Commission 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 Commission members' questions.
 - e. Public comment shall be limited to 3 minutes.
6. Public Hearing: None
7. Approval of June 2019, meeting minutes
8. Correspondence
9. Reports/Presentations/Announcements/Comments
 - a. Zoning Administrator
 - b. Chair, Mangus
 - c. Township Board Representative, Lawson
 - d. ZBA Representative, Hooper
10. Unfinished Business:
 - a. Update on stand-alone storage buildings text amendment
 - b. Update on environmentally sensitive ordinance #27
 - c. Review Condominium Subdivision Ordinance #28
11. New Business:
 - a. None
12. Next Meeting, August 7, 2019, Agenda
13. Public Comment
14. Commission Discussion/Comments
15. Continuing Education: Discussion of Robert's Rules of Order
16. Adjournment

Whitewater Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities who are planning to attend. Contact the Township Clerk at 231-267-5141 or the TDD at 800-649-3777.

WHITEWATER TOWNSHIP PLANNING COMMISSION
MINUTES FOR REGULAR MEETING
June 5, 2019

Call to Order at 7:03 p.m.

Roll Call: Dean, Hooper, Jacobson, Mangus, Render, Savage

Absent: Lawson

Also in attendance: Recording Secretary MacLean, Zoning Administrator Wolf + 5 in audience

Set / Adjust Agenda: Set

Declaration of Conflict of Interest: None.

Public Comment: Renee Savage 9833 Pineneedle Lane, Williamsburg, Michigan, is of the opinion that storage sheds/buildings need to be regulated but if people have the property acreage and they want to put up a storage building they should be allowed. We cannot in our subdivision due to regulations but if I find a piece of property in a rural area, surrounded by farm land and I wanted to put up a pretty little barn we should be allowed to do that.

Angela Barnes 863 Burtell Lane, Traverse City, Michigan, owns property on Wheeler Pines and feels the same as the previous comment, storage buildings should be allowed.

Glenn Savage, 9833 Pineneedle Lane, Williamsburg, as a private citizen, if a person has acreage in this township and they want to put a shed or a storage building on it, it should be their legal right to do so. If the property owner needs to store items, how else can they keep them safe from theft and protected from the weather. Are we going to take their right to do that? As a private citizen, I don't think we should be doing that.

Public Hearing: None

Approval of Minutes:

MOTION to approve May 1, 2019, Regular Meeting Minutes by Savage, second by Render. All in favor.

Motion carried.

Correspondence: None.

Reports:

Zoning Administrator Report, Wolf: Announced she has accepted a position at Acme Township. Will help with transition of new ZA.

Chair's Report, Mangus: The site condominium was approved by the board. Wolf has given us a good starting point for addressing the site condominium ordinance and specific steps that will be addressed in the future.

Township Board Rep., Lawson: NA.

ZBA Representative, Hooper: No meetings in May.

Committee Reports: None.

Additional Items: None.

Unfinished Business

1. Update on stand-alone storage buildings text amendment: Mangus supplied the text of the ordinance to be reviewed.

Read through and discussion:

Savage notes that the number of <100 sq. ft. sheds that can be on one parcel may need to be addressed. *

Render notes that moveable / non-permanent structures sheds would be allowed within the set-backs. **

Render inquires that the size is referencing the foot print. ***

Dean inquires on the sale of the property after an Ag building is put up but is not used as Ag after the sale. ****

Read through of the rationale.

Wolf: Is there any concern of the Ag district being broken up into small lots with stand-a-lone storage buildings?

There is a limit to the number of splits a property can do.

* This will alleviate someone putting an unlimited number of sheds on one parcel. Suggestion: combined square footage not to exceed the amount allowed, however any more than one would require site plan review with ZA and PC. The township requires a land use permit for any structure and a building permit for any structure at 120 sq.ft and over.

** Storage buildings must meet set-backs

*** Structure foot print, so it could be more than one story high

**** Cannot really control

The ZA receives at least one call per week inquiring about stand-alone storage

Motion to send the proposed stand-alone storage building ordinance to the board by Savage, second by Jacobson. All in favor. Motion carried.

2. Review Environmentally Sensitive Ordinance #27: Read through proposed language. Hooper recommends that the whole thing be handled by other entities. The township has no one qualified to handle it. Refer to the other entities and agencies. Mangus feels that much of it regards the water front guidelines. Stop with paragraph one. Consensus to scrap the whole ordinance. Is there anything that needs to be moved to waterfront and/or included in definitions? Rationale: Has not been enforced by the township. No one in the township is qualified to enforce. It's a lawsuit waiting to happen. Handled by other agencies. Built into processes that are already in place.

Motion to send to the board a complete strike of all of ordinance #27 by Render second by Savage. Discussion: include the first paragraph? Consensus no. All in favor. Motion carried. Will include a letter of rationale to go with this to the board.

New Business:

1. Review Condominium Subdivisions Ordinance #28: Postpone. Wolf notes that in coming up with the proposed language she went through multiple site condo review processes that are in place in Grand Traverse County and the state condominium act.

Next Regular Meeting is scheduled for July 3.

Motion to change meeting to July 10, 2019, by Jacobson, second by Render. All in favor. Motion carried.

Mangus will let Clerk know to do the notification.

Agenda items: Condominium Subdivisions Ordinance #28.

Public Comment: Ron Bachi, 6987 Cook Rd., Williamsburg, Michigan, Deputy Supervisor – Kim: I think the way that the board handled your Whitewater Pines was embarrassing. I thought the way they handled themselves was the complete opposite of professional and I personally think that some members on the board owe you, your husband and Lindsey an apology. We are not going to get that but I feel that you're owed it and congratulations. You deserve it and I hope all success on that development. To Lindsey: Your passion and emotion and honesty you bring to the job is priceless. It is a quality that many people lack. Passion and emotion and honesty are key ingredients to solving all problems. Do not apologize for the opportunity and success that you have worked hard for and deserve. Our township has been blessed to have you as our Zoning Administrator. We thank you for setting the bar so high. This job opportunity in Acme Township is just one of many promotions that you can look forward to. Congratulations for your success and thank you for your commitment to the Whitewater Township.

Commission Discussion/Comments: The Planning Commission also thanks you, Lindsey. You have helped the PC substantially.

Continuing Education: Discussion of Robert's Rules of Order. Postpone

Adjournment: 9:03 p.m.

Respectfully Submitted
Lois MacLean,
Recording Secretary

Planning & Zoning Department
Whitewater Township
P.O. Box 159 5777 Vinton Road
Williamsburg, MI 49690



Date: May 15, 2019
To: Whitewater Township Board of Trustees & Planning Commission
From: Lindsey Wolf, Zoning Administrator
Subject: Site Condominium Review and Approval Going Forward

Dear Members of the Planning Commission:

After a lengthy review of Whitewater Pines Site Condominium it seems appropriate to discuss the inclusion of an approval process for site condominium subdivisions within the Whitewater Township Zoning Ordinance. Up to this point there have been numerous hours spent and attorney consultation in regards to the approval process. I strongly feel that this process can be streamlined for the applicant and the department in the future. One of the goals stated in the 2015 Master Plan is to streamline the application process for development (p.4).

Issue: Article XXVIII Condominium Regulation

There is conflicting information regarding the review process in the current Zoning Ordinance. Article XXVIII Section 28.11 in the Ordinance states that condominium subdivisions are subject the review procedure and standards imposed by the Township Subdivision Control Ordinance. Section 28.14 also makes reference to the Township Subdivision Ordinance.

Article III definition of a site condominium subdivision: A division of land on the basis of condominium ownership, which is **NOT** subject to the provisions of the Subdivision Control Act, Public Act 288 of 1967, as amended, but **IS** subject to the requirements of the Condominium Act, Public Act 59 of 1978, as amended.

Attorney review determined that the Subdivision Control Ordinance does not apply to site condominiums, but is subject to site plan review. Language included in Article XXV Site Plan Review and Special Land Uses Section 25.10 A(5) requires a site condominium, condominium subdivisions and PUD's be subject to site plan review.

I have researched the approval process in other townships within Grand Traverse County including: Acme, Blair, Paradise, Garfield, Fife Lake, Long Lake, and Green Lake. These entities have addressed site condominiums by amending their zoning ordinances to include a process for reviewing and approving these projects. I have included proposed language for an Amendment to Article XXVIII (revised in its entirety) for your consideration.

Respectfully,

Lindsey Wolf, Zoning Administrator

Proposed Language

ARTICLE XXVIII

CONDOMINIUM SUBDIVISIONS

28.10 INTENT

The intent of this Article is to provide procedures and standards for the review and approval or denial of condominium developments implemented under the provisions of the Condominium Act (Act 59 of 1978, as amended) and to insure that such developments are consistent and compatible with conventional platted subdivisions as provided for through the Land Division Act (P.A 288 of 1967, as amended), and promote the orderly development of adjacent areas. These regulations are enacted by authority of the Condominium Act, the Michigan Zoning Enabling Act, and this Ordinance, as amended, whereby all developments utilizing any form of condominium subdivision of land shall be approved or disapproved by the Township.

28.11 APPLICABILITY

1. General Provisions

Prior to recording of the master deed, required by Section 72 of the Condominium Act, the condominium development shall undergo a site plan review and approval by the Township in accordance with the provisions of this section. Approval under this section shall be required as a condition to the right to construct, expand or amend a condominium project in the Township.

2. Condominium Conversions –*consult attorney*

3. Plat Approval

Nothing in this section shall be constructed requiring a condominium subdivision to obtain plat approval under the Township Subdivision Control Ordinance.

4. Planned Developments

The procedural provisions of this section shall not apply to condominium developments which are reviewed and approved through the Special Use Permit – Planned Unit Development procedure, **Article 31 of this Ordinance**.

28.12 CONSULTATION

In determining whether to approve a condominium development plan, the Township shall consult with the Planning & Zoning Department, and the Township Attorney regarding the adequacy of the master deed, deed restrictions, utility systems, and streets, site layout and design, and compliance with all requirements of the Condominium Act *and this Ordinance*. All reasonable costs related to said consultation, as established by the Township, shall be paid by the petitioner prior Township signature and issuance of approval.

28.13 GENERAL REQUIREMENTS

1. Compliance with Federal, State and Local Laws

All condominium projects shall comply with all applicable Federal, State and local laws and ordinances. No condominium documents shall conflict with the standards of this Ordinance.

2. Required Content

Size and Scale

The condominium subdivision plan may be on paper and shall not be less than 24 inches by 36 inches, at a scale of at least 1 inch to 200 feet showing the date and north arrow.

Information Required

All condominium development plans shall include the information required by **Section 66 of the Condominium Act** and the material required in **Section 25.11 (F)**. A person, firm, or corporation intending to develop a condominium project shall provide the following information:

- a. The name of the proposed condominium subdivision.
- b. The name, address, telephone number of:
 1. All persons, firms, or corporations with an ownership interest in the land on which the condominium project will be located and a description of the nature of each entity's interest (for example, fee owner, optionee, or land contract vendee)
 2. All engineers, attorneys, architects, landscape architects, or registered land surveyors associated with the project.
 3. The developer or proprietor of the condominium project.
- c. The legal description of the land on which the condominium development will be developed together with any expansion plans and appropriate tax identification numbers.
- d. The acreage of the land on which the condominium development will be developed.
- e. The land use and existing zoning of the proposed condominium subdivision.
- f. The names of property owners, zoning classification, and existing structures on the subject parcel and adjoining parcels within 300 feet of the site.
- g. Location, type, dimensions and proposed use of all existing structures.
- h. A location map showing the relationship of the proposed plan to the surrounding area.
- i. Statement of intended use(s). Such as, residential single-family, residential multi-family, commercial, industrial, etc. and the number of acres of each type of land use proposed.
- j. Condominium lot lines and the total number of condominiums units to be developed on the subject parcel.
- k. Description of water system to be provided.
- l. Description of sanitary waste disposal system to be provided.
- m. Right-of-way easements, showing location, width, and purpose.
- n. Existing topographic elevations at two (2) foot intervals, proposed grades and direction of drainage flows.
- o. Location and types of all significant existing vegetation, water courses and bodies, flood plains and water retention areas, wetlands, and soil types.
- p. Any additional information required in **Section 25.11 (F)**.

3. Utility Easements

The condominium development plan shall include all necessary easements for the purpose of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipelines, mains, conduits, and other installations of a similar character providing public utilities.

4. Private Roads

All private roads in a condominium subdivision shall comply with the specifications of the **Whitewater Township Private Road Ordinance No. 32**, as amended.

5. Encroachment Prohibited

Encroachment of one condominium unit upon another, as described in Section 40 of the Condominium Act, shall be prohibited by the condominium bylaws and recorded as part of the master deed.

6. Performance Guarantees

As a condition of approval of the condominium plan by the Township, a performance guarantee may be required to ensure construction of required improvements and the completion of filing requirements before land use permits are issued. Upon fulfillment of all requirements and filings, the developer shall apply to the Township for release of performance guarantees. Performance guarantees shall comply with the requirements in **Section 25.16** of this Ordinance.

28.14 MOBILE HOME CONDOMINIUMS

Mobile home condominium projects shall conform to the requirements for mobile home parks established under the regulations of the Michigan Mobile Home Commission. Such developments shall be located only in a zoning district that provides for Mobile Home Parks.

Reword?

Mobile home condominium developments shall conform to the requirements of this Ordinance, in accordance with the Condominium Act and other applicable Local, State laws, ordinances and regulations. Such developments shall be located only in a zoning district that provides for mobile home parks. The review and approval shall be processed in accordance with Section 28.15 Review Procedures.

28.15 STANDARDS AND DESIGN FOR CONDOMINIUM SUBDIVISION PROJECTS

1. Condominium Lots

The Condominium Subdivision Plan shall indicate specific parcel dimensions with front, rear, and side condominium lot lines allocated to each condominium dwelling unit. For the purpose of this section and to assure compliance with the provisions herein, these parcels shall be referred to as “site condominium lots”.

2. Condominium Subdivision Layout and Design

The description, size, location and arrangement of the site condominium lots shall conform to the requirements of this Ordinance. The design of a condominium projects shall be subject to the following requirements. Should there be unusual topographic or other natural feature constraints, these standards may be modified to achieve greater or lesser conformance in accordance with the judgement of the Township.

- a. Each condominium lot in a site shall be considered a single lot and shall comply with the zoning district in which it is located. The area and bulk requirements of a dwelling unit or structures are subject to the zoning district in which it is located.
- b. Each condominium dwelling unit shall be located within a condominium lot. In a condominium development containing single-family detached dwellings units, not more than one (1) dwelling unit shall be located on a condominium lot.
- c. The condominium lots size and required setbacks shall be measured from the designated front, rear and side condominium lot lines.
- d. That there is proper relationship between existing streets and highways within the vicinity, and proposed deceleration lanes, service drives, entrance and exist driveways, and parking areas to assure the safety and convenience of pedestrian and vehicular traffic, and that the proposed streets and access plan conform to any street or access plan adopted by the Township or the County Road Commission.
- e. Existing natural features which add value to a residential development and enhance the attractiveness of the community (such as trees, water courses, spots of historic significance, and similar irreplaceable assets) shall be retained, insofar as possible, in the design of the subdivision. Particularly where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes, and help control erosion or discharge of storm waters.

- f. Lands subject to flooding or otherwise deemed by the Township to be uninhabitable shall not be used for uses that may increase the danger to health, life, or property or increase the flood hazard. Such land within a site condominium may be set aside for other uses, such as parks or other open space.
- g. Any adverse effect of the proposed development and activities emanating therefrom upon adjoining residents or owners shall be minimized by appropriate screening, fencing or walls, or landscaping.
- h. Easements shall provide for utilities when necessary.
- i. All site condominium lots shall be provided access by either public or private roads in conformance with the requirements of the Whitewater Township Private Road Ordinance No. 32, and other appropriate public agencies.
- j. All site condominium units shall be accessible to emergency vehicles.
- k. Common open space provided shall remain permanently open for recreational and conservational purposes, and recorded as part of the master deed. *Add open space requirement – based on total % of development?*
- l. Condominium units having water frontage shall meet the requirements of Article 14 Easement to Waterfront Section 14.10.
- m. A plan for erosion control and storm water discharge has been approved by the appropriate public agency.
- n. All site condominiums projects shall obtain approval from all applicable governing agencies.

28.16 REVIEW PROCEDURES

1. Agency Submittal

The applicant shall provide copies of the proposed condominium subdivision plan to the following Grand Traverse County Agencies: Health Department (or Department of Public Works if proposed on municipal water and/or sanitary sewer), Drain Commission, Soil Erosion, Road Commission (or Michigan Department of Transportation if proposed on a state highway), Michigan Department of Environmental Quality (when sensitive areas and wetlands are a concern), Fire Department. Twelve (12) copies shall also be provided to the Whitewater Township Planning and Zoning Department. The Zoning Administrator shall distribute the proposed condominium subdivision plans to the Planning Commission and Board of Trustees for review.

2. Public Hearing

The Planning Commission shall hold a public hearing on the proposed site condominium subdivision plan, for the purpose of reviewing and making a recommendation of approval, approval with conditions, or denial to the Township Board.

3. Planning Commission Determination

After preceding with **Article 25 the Site Plan Review** process, if the Planning Commission determines that the proposed plan meets all the requirements of this Ordinance and the Condominium Act, the Planning Commission shall recommend approval or approval with conditions of the site condominium subdivision plan and shall send notice of action taken with comments to the Township Board.

If the Planning Commission determines that the site condominium subdivision plan does not meet all requirements, the Planning Commission shall state its reason in its official minutes shall forward same to the Township Board, and shall recommend disapproval of the plan by the Township Board until the objections causing disapproval have been changed to meet the requirements of this Ordinance and the Condominium Act.

4. Township Board Procedure

The Township Board shall not review, approve or reject a condominium subdivision until it has received from the Planning Commission its report and recommendations.

The Township Board shall consider the condominium subdivision plan at its next meeting after receipt of the report and recommendations from the Planning Commission.

5. Township Board Determination

The Township Board shall approve the condominium subdivision plan, with or without conditions, reject the plan and give its reasons, table the proceedings pending further review or pending changes to the plan to make it acceptable to the Board, or refer that application back to the Planning Commission for further review and report.

28.17 CONDITIONS AND DURATION OF APPROVAL

1. Conditions

The approval of the Board of Trustees will indicate that the proposed condominium subdivision plan meets the ordinances and regulations of Whitewater Township, but does not cover additional permits that may be required after the Master Deed has been recorded. The Township may impose reasonable conditions on the approval of any condominium subdivision plan consistent with the Condominium Act, this Ordinance, and the protection of public health, safety and welfare.

2. Duration

Approval of the site condominium plan by the Township shall be for a period of one (1) year from the date of approval. If no Master Deed is recorded with the Grand Traverse County Register of Deeds Office within one year of approval, such approval shall be considered null and void. The Planning Commission may extend the one year period if applied for and shall be subject to the requirements of **Section 25.15 Failure to Initiate Construction**.

3. Condominium Subdivision Plan Approval Contract

If the Township Board approves the site condominium subdivision plan, it shall prepare a written order setting forth the conditions upon which the approval is based. Such order shall be entered into between the Township and the applicant prior to the issuance of a Land Use Permit for any construction in accordance with the approved site condominium subdivision plan. All reasonable costs related to the preparation of said order, as established by the Township, shall be paid by the petitioner to the Township Treasurer prior to Township signature and issuance of such order.

28.18 ADDITIONAL FILINGS REQUIRED

1. Documents

Prior to the recording of the Master Deed the Township Treasurer shall certify that all taxes and special assessments are paid in full. A copy of the Master Deed, Bylaws/ Restrictive Covenants must be recorded and two (2) copies of each document, including all pertinent attachments, on file with the Township.

2. Certification and As-Built Drawings

Subsequent to the construction of all improvements, the developer shall file with the Township two (2) copies of the as-built condominium plan and certification from the developer's engineer that the improvements have been installed in conformance with the approved construction drawings.

28.19 CONDOMINIUM AMENDMENTS

An order approving a site condominium may be amended as follows:

a. Minor Amendments

Minor amendments are those which will have no foreseeable effect beyond the project boundary 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 site condominium, reduce usable open space, or encroach on natural features proposed by the plan to be protected.

b. Major Amendments.

Any amendment not qualifying as a minor amendment is considered to be a major amendment and must be approved by the Planning Commission according to the procedures authorized by this section for approval of a site condominium.

28.20 REQUIRED FEES

Fees for the review of site plans shall be established by resolution of the Township Board.

Proposed Action:

Amend Article XXVIII to include Condominium Subdivision Approval (Section 28.11 & 28.14 specifically in conflict)