

Whitewater Zoom is inviting you to a scheduled Zoom meeting.

Topic: Planning Commission Meeting

Time: Mar 3, 2021 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://zoom.us/j/94686032902?pwd=T2d3NThwK3A4akxDbm8xamo4ODA1dz09>

Meeting ID: 946 8603 2902

Passcode: 951074

One tap mobile

+16465588656,,94686032902#,,,,*951074# US (New York)

+13017158592,,94686032902#,,,,*951074# US (Washington DC)

Dial by your location

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+1 669 900 9128 US (San Jose)

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Meeting ID: 946 8603 2902

Passcode: 951074

Find your local number: <https://zoom.us/j/94686032902>

WHITEWATER TOWNSHIP PLANNING COMMISSION

AGENDA FOR REGULAR MEETING, March 3, 2021

7:00 p.m., Whitewater Township Hall

Via ZOOM and in person

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:
 - a. Site Plan Review and Special Land Use Review – Evina, campground
 - b. Site Plan Review and Special Land Use Review – Hubbell/Merchant, major home occupation
7. Approval of minutes of February 3, 2021
8. Correspondence:
9. Reports/Presentations/Announcements/Comments
 - a. Zoning Administrator, Hall:
 - b. Chair, Mangus:
 - c. Township Board Representative, Not Available
 - d. ZBA Representative, Not Available
10. Unfinished Business:
 - a. Master Plan review
 - b. Marihuana Ordinance standards
11. New Business:
 - a. Site Plan Review Special Land Use Review – Evina, campground
 - b. Site Plan Review Special Land Use Review – Hubbell/Merchant, major home occupation
12. Next Meeting April 7, 2021
13. Public Comment
14. Commission Discussion/Comments
15. Continuing Education: Year in Review: 2020 Zoning and Planning Court Decision – FSBR (fsbrlaw.com)
16. Adjournment

Tabled Items: RC District, Event Barns

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.

LEGAL NOTICE
NOTICE OF PUBLIC HEARING
Whitewater Township Planning Commission

The Whitewater Township Planning Commission will conduct a public hearing at its regular meeting on **MARCH 3, 2021 at 7:00 PM**, at the Whitewater Township Hall, 5777 Vinton Road, Williamsburg, MI, to receive public comment on a proposed special use application.

A request has been received to operate a commercial campground in the RC-Recreational zoning district as listed in Article XI, Section 11.11.B. The property subject to this request is parcel #28-13-008-003-01 also known as 4575 Moore Road, Williamsburg, Michigan 49690.

All persons are welcome to attend and will be heard concerning the proposed request. Remote participation through Zoom will be available. A copy of the complete application is available for public viewing at the Whitewater Township Hall, 5777 Vinton Road, Williamsburg, MI 49690, during regular office hours.

Written comments will be received until the time of the meeting and should be addressed to the Whitewater Township Planning Commission, Attn: Zoning, P.O. Box 159, Williamsburg, MI 49690.

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 x24 or the TDD at 800-649-3777 at least 5 days in advance of the public hearing.

Cheryl A. Goss
Whitewater Township Clerk

Posted inside/outside the Township Hall and on the home page of the township website on 02/04/2021 at 3:00 p.m.

Whitewater Township
5777 Vinton Road | P.O. Box 159
Williamsburg, Michigan 49690

www.whitewatertownship.org

zoning@whitewatertownship.org

STAFF REPORT

	Site Plan Review	Special Land Use
Applicant:	Elvina, Robert	
Address:	546 M-72 SE Kalkaska, Michigan 49649	
Phone:	231-518-4089	revina@woodlandcreekfurniture.com
Agent:	Mansfield Land Use Consultants	Christensen, Dusty. LLA
Address:	P.O. Box 4015 Traverse City, Michigan 49685	
Phone:	231-946-9310 x 1008	dusty@maaeps.com
Parcel ID:	28-13-008-003-01	
Zoning District:	RC-Recreational	
Use Request:	Applicant requests to operate a 'Commercial Campground' subject to Article XXV, Section 25.21.D [<i>note: bold D under 25.22</i>]	
	<p>CAMPGROUND, COMMERCIAL: A campground owned and operated expressly for the purpose of renting space in the campground on a transient basis for profit to the general public. A campground owned and operated by a non-profit organization for the exclusive temporary use and enjoyment of its members shall also be considered a commercial campground. (Whitewater Township Zoning Ordinance, Article III, Definitions)</p>	
Summary:	<p>The Whitewater Township Planning Commission was first introduced to this project during a PRELIMINARY SITE PLAN REVIEW at their January 8th, 2020 regular meeting (<i>see attached minutes / new business / page 2 of 3</i>). Although the application lists the land as vacant, there are currently at least 3 (three) structures listed as cabins on the site plan. A search of the records at Whitewater Township indicates that no permits were ever issued for such construction of these structures and constitutes a violation of the Whitewater Township Zoning Ordinance.</p> <p>Rather than pursue any alleged violations – it would probably be more effective to mandate total compliance by incorporating the existing / pre-existing structures into the proposed site plan and special use as proposed within the application. This condition should be noted in the minutes of any decision rendered by the planning commission.</p>	

ZONING DISTRICT STANDARDS

- 1.00** By establishing the parcel location in the RC-Recreational zoning district, Article XI, Section 11.11.B lists Commercial Campgrounds as a use permitted by special use permit
- 1.10** Article XII establishes building sizes, lot sizes, and yard requirements for all zoning districts
- The minimum lot width required is 300' (three-hundred) feet – the subject parcel has in excess of 1000' (one-thousand) feet of frontage on Moore Road as demonstrated on the provided site plan (File No: 18232) sheet 2.0.
 - The minimum lot area required is 5 (five) acres – the subject parcel size far exceeds the required minimum and constitutes approximately 74 (seventy-four) acres.
 - The minimum front yard setback (in this case: Moore Road) required is 30' (thirty) feet. There are no existing structures within and no new construction being proposed in the front yard setback(s) area.
 - The minimum side yard setback required is 15' (fifteen) feet. There are no existing structures within and no new construction being proposed in the side yard setback(s) area.
 - The minimum rear yard setback required is 30' (thirty) feet. There are no existing structures within and no new construction being proposed in the rear yard setback(s) area.

SITE PLAN REVIEW

2.00 Having established that the zoning ordinance declares that a 'COMMERCIAL CAMPGROUND' is subject to special use review by the Planning commission, then it follows that a site plan review is also mandated.

2.10 This is a FINAL SITE PLAN REVIEW subject to the STANDARDS FOR DECISIONS listed in Article XXV, Section 25.12 (A-R)

Staff Comments: The Standards for Decisions (for Site Plan Review) listed in Article XXV, Section 25.12 are, for the most part, discretionary in nature. (The) Zoning Administrator is not permitted to make discretionary determinations. However, after a dutiful review, staff found no immediate concerns related to the standards. Upon Planning Commission review, care should be taken to document any Planning Commission 'condition' related to these standards with actual findings and conclusions that relate back to the zoning ordinance.

SPECIAL LAND USE REVIEW

3.00 COMMERCIAL CAMPGROUNDS have additional and very specific standards of review (as a 'special' use) in Article XXV, Section 25.22.D

3.10

The applicant has provided additional narrative that may assist the Planning Commission in their review of the specific 'special' use standards - see document titled: Proposed Campground.

1. Commercial campgrounds shall only be allowed on parcels of 40 acres or greater.
2. All requirements of Public Act 368 of 1978 regulating Campgrounds shall be met.
3. Permanent cabins.

4. Each dwelling or pad shall be provided water and sanitary service approved by the Grand Traverse County Health Department or have convenient access to approved service building (s).
5. The campground shall have access to an all season road, either public or private.
6. All campgrounds shall be designed to blend in with the surrounding environment to the greatest possible extent. Buffers or screening may be required.
7. Internal road systems shall be a minimum of 20' travel width.
8. Permanent residency is prohibited on the property with the exception of one residential home/office to be used and occupied by the campground owner or manager and his/her immediate family.
9. Campsites or structures may be rented by the day, week or an indefinite period of time.
10. No structures or campsites shall be located within 100 feet of a property line.
11. Accessory/service buildings, such as storage facilities, restrooms, kitchens, pavilions, etc. shall be allowed.
12. Recreational elements shall not have a negative impact on the surrounding areas with regard to noise, light, odors, etc.
13. As part of the submittal, the applicant shall present a detailed management plan for the campground. The plan shall include continued compliance with the terms of the management plan and the following information:
 - A. The total number of campsites, cabins, and accessory buildings proposed.
 - B. The maximum permitted duration of residency.
 - C. Policies and enforcement procedures to deal with noise, rowdy behavior and similar nuisance activities.
 - D. The hours and seasons the campground will operate.
 - E. Disclosure of all recreational elements.

STAFF RECOMMENDATION(S)

Article XXV, Section 25.10 directs that site plans required to be reviewed by the Planning Commission be submitted along with a recommendation of the Zoning Administrator as to compliance with ordinance standards. In addition, the zoning administrator is to seek the recommendation of other professionals where applicable. See email dated February 3, 2021 10:40 a.m. for comments elicited from the Whitewater Township Fire Chief.

SITE PLAN

(25.11.F.2.z) staff has a full sized, scaled drawing containing the seal

The proposed site plan contains all of the required elements as listed in Article XXV, Section 25.11.F

The Zoning Administrator would recommend that the Planning Commission make independent findings and conclusions that would support approval of the site plan as presented.

SPECIAL USE

It is the opinion of the Zoning Administrator that the applicant has sufficiently addressed the specific 'special' use standards outlined in Article XXV, Section 25.22.D. The Zoning Administrator would recommend that the Planning Commission make independent findings and conclusions that would support approval of the requested 'special' use as a COMMERCIAL CAMPGROUND on the subject parcel.

Respectfully submitted for Planning Commission review –

Zachary Hall

WHITEWATER TOWNSHIP PLANNING COMMISSION
MINUTES FOR REGULAR MEETING
January 8, 2020

Call to Order at 7:17 p.m. (after a short break at the end of the Special Meeting Open House)

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

Absent: Render

Also in attendance: Recording Secretary MacLean and Zoning Administrator Hall

Set / Adjust Agenda: Set

Declaration of Conflict of Interest: None.

Public Comment:

Heidi Volmuth, 8371 Winnie Lane, look at the 2009 survey. There is a difference between when you are farming and when you are not. Your farm stand stuff needs to come from your farm. You all have a difficult job to do. People were as pissed off now as they were then, 2009. Do your homework, because I am doing mine.

Sue McCraven 9435 Fairview, are there any lake front property owners on this commission? I think you need someone on the board who represents riparian interests.

Gerard Engler, 240 Island Lake, getting ready to review the RC 5 acre. If you are going to do a survey, here is our MP what do we want changed?

Rod Rybrant 648 Island View, 5 acre discussion. How much land mass fits in the RC district? Privately held is about 5%. Seems like a lot of work for a very minor portion of the property.

Public Hearing: None

Approval of Minutes:

MOTION to approve December 4, 2019 Regular Meeting Minutes by Dean, second by Savage.

All in favor. Motion carried.

Correspondence: Received a letter about short term rentals.

Reports:

Zoning Administrator Report, Hall: Have received a couple questions about short term rentals. If they are not listed in the ordinance it is not permitted. In addition to the report presented, will be putting together the annual report.

Chair's Report, Mangus: Attended last month's board meeting. Going forward we will be able to present informational material, questions and community outreach without having to get the full board approval.

Township Board Rep., Lawson: The board did forward the condo ordinance to the lawyer for review.

ZBA Representative, Hooper: No meetings.

Committee Reports: None.

Additional Items: None.

Unfinished Business

1. Open House Discussion: : How did it go? We had a good crowd. We ought to encourage people to come several times a year. June and August when the snow birds are all here. Specific topics or general topics. Discussion of additional meetings; open house type meetings on the regular schedule; sub-committee meetings.
2. RC District review, outreach and survey: We have been requested by the board to do this. We are soliciting input from the public. The board has, by consensus, agreed that we can move forward. Get the survey out with a June mailing date. Will work on a draft; color coding; look at the 2009 survey questions; include a map; statistics; build out map(s). As an example: Forty acres does not mean forty lots at one acre each, it just doesn't work that way with roads, wetlands, hills, etc., there are a lot of factors.

3. Year-end Summary: The zoning administrator is going to put the year-end summary together – Thank you, Bob.
4. Ordinance update and posting procedures: Mangus did check the ordinance on public display at the hall and it is complete. The ordinance on the website is not updated as of this evening. Do we need to make an appeal to the board? Do we contract with our web provider? Do we want the whole ordinance on-line? Hall believes that has been updated at this time.
Hall had an opportunity to speak with the Clerk. Hall will coordinate with the Clerk, the PC and the ZBA. All set.

New Business:

1. Site Plan Review – Moore Road property: Moore Rd property: Hall: Our zoning ordinance has an option for a preliminary site plan review, get a sense of what is the most important. Supplied a brief staff report.
Doug Mansfield of Mansfield Land Use Consultants here on behalf of the Evina family. Proposing a 15 unit commercial camp ground on approximately 75 acres of land with a lot of state land surrounding it. The property has been used as recreational property. People want to camp but do not want to buy a camper or camping equipment. No RVs would be going in and out. Glamping. Yerts, tents would be set up in April no ATVs, no fireworks, there would be an on-site resident camper, quiet time at 10 p.m., close in October. There would be 12 lots if it were to be built out as homes, which would have a larger impact on the land and roads for the full year.
Here to answer questions. We will be going to the neighbors to discuss it and they may contact the PC or ZA with questions.
There are a lot of permits that need to be gotten and agency reviews. Occupancy is determined by state. There will not be additional tents allowed. There is isolation and privacy between the units.
The goal is to get 100% compliance with the ordinance.
Hoping for 2020 but it will likely be 2021.
Bring it back when there is a more complete site plan.
2. Election of officers:
Mangus nominated by Jacobson as Chair, second by Lawson. Mangus accepts. Roll call vote: Dean-yes; Hooper-yes; Jacobson-yes; Lawson-yes; Savage-yes, Mangus-yes; Render-NA
Dean nominated by Jacobson as Vice Chair, second by Lawson. Dean accepts. Roll call vote: Hooper-yes; Jacobson-yes; Lawson-yes, Savage-yes, Mangus-yes; Render-NA; Dean-yes.
Mangus nominated Jacobson as Secretary, second by Lawson. Jacobson accepts. Roll call vote: Jacobson-yes; Lawson-yes; Savage-yes; Mangus-yes; Render-NA; Dean-yes; Hooper-yes.
3. Planning Commission By-laws review: Hall notes there are a couple areas that are a concern: Request of application that require a Public Hearing, Section 3 D1 and Declaration of Conflict of Interest, Section 6. By-law approval by the PC rather than the Board.
Will go through line by line next month. Concerned about the current process of ordinance approval. We need to make sure the proper order of operations and public input/approval is being duly followed. Request of the board and the State mandates need to be addressed next month. Include findings of fact when presenting recommendations to the Board.
4. Resolution #PC20-01, 2020/2021 Regular Meeting Schedule – add special meetings to schedule – postpone.

Next Regular Meeting is scheduled for February 5, 2020.

Regular meeting agenda items: Review by-laws; resolution for meeting dates, Master Plan review; RC district.

Public Comment:

Commission Discussion/Comments: Ron Bachi, 6987 Cook Rd. Glad that Mansfield / Evina is going to go to the neighbors. I am sure he is going to do the right things. Kim, thank you for clarifying the difference between the two, RC district and all. Zoning Administrator, what is an agricultural hemp barn and is there any kind of ordinance that would allow such? Merry Christmas to you all. Ted, great Christmas display and lights. Micky, thank you for continuing with the PC. Thank you all.

Heidi Volmuth, 8371 Winnie Lane. Ryan reminded me what an awesome tool this is and I am reminding you that you have a comprehensive plan sitting in front of you. You'll want to read this one too. A long time ago I sat where you sit and someone reminded me not to laugh at public in the public. It is very rude. An event barn is very passionate to one hundred people right now and for you (Dean) to make a joke of it is wrong. I have sat in your position and you have to understand that you are supposed to work for us and when you are laughing at people how are you really working for us? Just like when you make comments, Lloyd, that you do not read your packet. You are supposed to work for us. Yes, it is peanuts but you chose to warm the seat. If you don't like warming the seat, get out, we'll find somebody else to take the headache. I want to remind you, please, I have only sat and read this for about 10 minutes because I didn't have any ink and couldn't print it. When you put these two documents together and you put it with the comprehensive plan. You have some homework to do. It is something that it is very important that you follow. It is the same thing over and over and over again. Doing the same thing all the time is just pure insanity. You just keep banging your head and getting the same results. You have a wonderful tool to use. You have a gentleman here who knows the rules pretty good. And if you are going to pass your own rules, Cheryl will find something wrong with them so you better dot your i's and cross your t's because she doesn't care what the rules are. It's the Cheryl show or nothing, learn. It's a 4 to 1 all the time vote. There's a reason some of us sit in these meetings. Have a nice day and Merry Christmas. Gerard Engler, 240 Island View Dr. Quick question at the beginning of the open house, ask the public: How did you learn about this? Was it through emails, was it through public publications? I understand Union Township has just upped their zoning to five acres. I would have liked to asked Mr. Mansfield about that when he was here. It would be interesting to why they did what they did. I don't know the details. They were getting too many trailers and stuff on one acre ruining the atmosphere of the area.

Cathy Gee on Broomhead Road: Trying to get informed government and what this is all about. It is difficult to get information. I was trying to figure out what my zoning is. I thought I was Forest Recreational but maybe I am not. It think it may be the case with a lot of residents. We are not educated, we are not informed. This development (the site plan review), just off the cuff, would they be held by the same rules as tiny homes? Tiny homes are so in right now. I am just curious. I understand it is 700 sf. Would these guys be held to the same thing or not? *The plan discussed is a camp ground, tents that come up and down every year.*

Continuing Education: Educational opportunities coming up in March – please get the information to Bob or Cheryl. Information is available on line so that training may be more do-able for people. The closest place for the training is in Frankenmuth.

Adjournment: 9:13 p.m.

Respectfully Submitted
Lois MacLean,
Recording Secretary

**Special Use Permit/
Site Plan Review Application**

COPY

WHITEWATER TOWNSHIP

5777 Vinton Road, PO Box 159
Williamsburg MI 49690
PH (231) 267-5141 Fax (231) 267-9020

Case No.	SLUP 2021-01
Date Rec.	02/04/2021
Fee	600
	100/500

Property Information

Parcel Number 28-13-008-003-01
Address 4575 Moore Rd., Williamsburg, MI 49690
Zoning District RC-1 Acres 75 Current Use Vacant

Property Owner Information

Name Robert Evina
Address 546 M-72 SE, Kalkaska, MI 49649
Phone _____ Fax _____

Applicant Information

Name Robert Evina
Address 546 M-72 SE, Kalkaska, MI 49649
Phone _____ Fax _____

Description of Proposed Use (Use reverse side or attach pages as needed)
Proposed campground - see attached plans and narrative for more
information.

I hereby attest that the information on this application form is, to the best of my
knowledge, true and accurate.

Robert Evina
Signature of Applicant

1.27.21
Date

I hereby grant permission for members of the Whitewater Township Planning
Commission and the Zoning Administrator to enter the above described property for the
purposes of gathering information related the this application.

Robert Evina
Signature of Property Owner

1.27.21
Date

Whitewater Township
Bob Hall, Zoning Administrator
5777 Vinton Rd., PO Box 159
Williamsburg, MI 49690

1/27/2021

Mr. Hall,

Per the requirements of the Zoning Ordinance, this letter serves to verify that I am the owner of parcel 28-13-008-003-01, located at 4575 Moore Rd.

Attached you will find a copy of the Warranty Deed for the property. I will soon be forming a new LLC for the camp business. The land will then be deeded to the LLC.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Evina". The signature is stylized with a large, sweeping initial "R" and a trailing flourish.

Robert Evina

WARRANTY DEED

CLAYTON W. ARNOLD and MARIE A. ARNOLD, husband and wife, whose address is 9765 Miami Beach Road, Williamsburg, MI 49690 ("Grantors"), convey and warrant to **ROBERT M. EVINA and REGINA L. EVINA**, husband and wife, whose address is 4575 Moore Road, Williamsburg, MI 49690 ("Grantee"), the real property commonly known as 4575 Moore Road, Williamsburg, MI 49690, in the Township of Whitewater, Grand Traverse County, Michigan, more fully described as:

S ½ OF NE ¼ SEC 8 T27N R9W

EXC COM AT THE ¼ COR OF SD SEC 8 TO THE POB; TH N 88 DEG 55'22" W ALONG THE E AND W ¼ LINE OF SD SEC, 931'; TH N 00 DEG 39'57" E PARALLEL WITH THE E LINE OF SD SEC, 234'; TH S 88 DEG 55'22" E PARALLEL WITH SD E AND W ¼ LINE, 931' TO SD E SEC LINE; TH S 00 DEG 9'57" W ALONG SD E SEC LINE, 234' TO THE SD POB AND CONT 5 ACRES OF LAND, AND EXC RD R/W.
SPLIT ON 10/20/2009 FROM 13-008-003-00;

Parcel ID No.: 28-13-008-003-01

Commonly known as: 4575 Moore Road, Williamsburg, MI 49690

Subject to: covenants, conditions, restrictions, reservations and easements.

for **\$150,000.00**, pursuant to the **LAND CONTRACT** between Grantors and Grantee dated 10/20/2010 and **EXCEPTS** acts and omissions of persons other than Grantors from and after that date.

Grantor grants to Grantee the right to make all divisions 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 farmland 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.

Dated: May 01, 2018

/s/ CWA
CLAYTON W. ARNOLD

Dated: May 01, 2018


1st Marie A. Arnold
MARIE A. ARNOLD

STATE OF MICHIGAN)
) ss
GRAND TRAVERSE COUNTY)

Acknowledged before me in Grand Traverse County, Michigan on May 01, 2018 by **CLAYTON W. ARNOLD**
and **MARIE A. ARNOLD**.

DRAFTED BY AND WHEN RECORDED RETURN TO:

Norman K. Droste (P35665)
Norm Droste – Attorney, PLC
616 E. Eighth Street, Unit #3
Traverse City, MI 49686
(231) 922-5055


Jo Ann Droste, Notary Public
Grand Traverse County, Michigan
My commission expires: 01/23/2020
Acting in the County of: Grand Traverse

Zoning Administrator

From: Brandon Flynn <firechief@whitewatertownship.org>
Sent: Wednesday, February 03, 2021 10:40 AM
To: Robert Hall
Subject: Re: Fw: 4575 Moore Rd. SUP Application

Hi Robert,

I have taken a look at the drawings and documents provided for the Glamping Campground. My initial review didn't find anything major, however, this plan will be sent out for a Fire Department Site Plan Review when the owners apply for a permit with the FD. A couple of questions below are for discussion.

I am assuming that the domes will be dismantled during the off-season, will the access roads to the permanent structures be maintained in the winter?

I will also want the Fire Department access roads to maintain the required 13 feet, 6 inch vertical clearance and the driveways to have vertical clearance as well for ambulance and brush truck access.

Hope this helps,

On Fri, Jan 29, 2021 at 11:04 AM Robert Hall <zoning@whitewatertownship.org> wrote:

Brandon -

The 4th pdf attached is a proposed site plan for a commercial campground being proposed.

Would it be possible to obtain your comments (from the Fire Department perspective) related to any safety concerns so that I could forward them to the planning commission?

Sometime within the next two weeks, perhaps?

Thanks!

Bob

From: Dusty Christensen <dusty@maaeps.com>
Sent: Thursday, January 28, 2021 3:55 PM
To: Robert Hall
Subject: 4575 Moore Rd. SUP Application

Good afternoon Bob.

As previously discussed, I have attached the following to this email in relation to an SUP application for the property located at 4575 Moore Rd.:

- A signed copy of the SUP application form
- A signed statement of ownership verification
- A digital (PDF) copy of the site plans for the proposed project
- A digital (PDF) copy of a project description and narrative

My client has mailed the necessary application fee check to the Township office. Following your initial review of the attached documents, please let me know how many hard copies of the drawings and related materials you would like delivered. Our hope is that this project can be introduced at the February Planning Commission meeting. Please let me know if you have any questions or need additional information.

Thank you.

Dusty Christensen, LLA

Mansfield Land Use Consultants

830 Cottageview Drive, Suite 201

Traverse City, MI 49685

office: (231) 946-9310 ext. 1008

cell: (231) 360-7021



Brandon Flynn | Fire Chief

Whitewater Township Fire Department
8380 Old M 72 | PO Box 9
Williamsburg, Michigan 49690
p. 231.267.5969 | c. 810.217.2718 | e. firechief@whitewatertownship.org



WHITEWATER TOWNSHIP
577 Vinton Road – P.O. Box 159
Williamsburg, Michigan 49690

231-267-5141 x 21 zoning@whitewatertownship.org www.whitewatertownship.org

2/11/21

Greetings!

You are receiving this communication because according to our records you own real property situated within 300' (three-hundred) feet of a property subject to a public hearing as described in the below notice. This notice is required in accordance with PA 110 of 2006, the Michigan Zoning Enabling Act. No action is required on your part in response to this notice. All meetings of the Whitewater Township Planning Commission are open to the public.

Sincerely,

Zoning Administrator

LEGAL NOTICE
NOTICE OF PUBLIC HEARING
Whitewater Township Planning Commission

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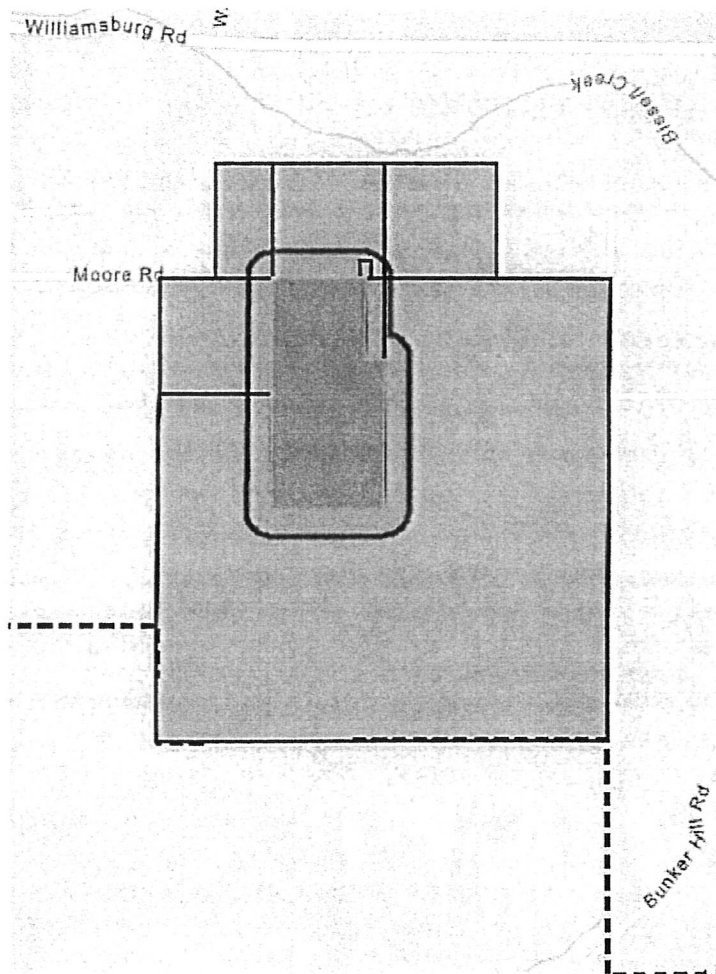
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Cheryl A. Goss
Whitewater Township Clerk



Proposed Campground

4575 Moore Rd.
Whitewater Township,
Grand Traverse County, MI

Special Use Permit and Site Plan Review Application

Submitted to
Whitewater Township
5777 Vinton Rd., PO Box 159
Williamsburg, MI 49690
231-267-5141

Mansfield
OR
Land Use Consultants

850 Cottageview Drive
Traverse City, MI 49684
P 231.946.9310
F 231.946.8920
E www@mansfield.com

1/28/2021

Proposed Campground – 4575 Moore Rd.

Special Use Permit & Site Plan Review Application

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Proposed Campground – 4575 Moore Rd.

Special Use Permit & Site Plan Review Application

Project Team

Property Owner and Applicant:

Robert Evina
546 M-72 SE
Kalkaska, MI 49646
Phone: 231-518-4089
Email: revina@woodlandcreekfurniture.com

Planning Consultant:

Mansfield Land Use Consultants
Dusty Christensen, LLA
PO Box 4015
Traverse City, MI 49685
Phone: (231) 946-9310 x 1008
Email: dusty@maaeps.com

Proposed Campground – 4575 Moore Rd.

Special Use Permit & Site Plan Review Application

Project Description

The applicant is proposing to construct a campground and associated amenities on the 75-acre Recreationally zoned (RC zoning district) property located at 4575 Moore Road in Whitewater Township. The subject site is primarily vacant and surrounded by state-owned land along roughly 60% of the property boundary. An existing gravel driveway provides access to three small cabins on the west side of the site and a small seasonal creek runs through the middle of the site from west to east. There is roughly seventy feet of grade change across the site, with land generally sloping towards the middle of the property from the north and south sides.

The proposed campground consists of 40 total sites/units spread through two phases of development. The first phase of development is located on the south side of the site and includes 16 sites/units, a proposed maintenance building, and a proposed utility & laundry building. It is proposed that the existing driveway on the property be improved to comply with all fire department standards for access by being re-routed in places and widened to 20'. The future second phase of the proposed campground includes an additional 24 campsites and two additional utility/laundry buildings. The proposed driveway will not contain any travel lane slopes greater than 10%. The proposed campsites are modern, "glamping" sites where geodesic camping domes, tents, or other structures are provided for guests with all required sleeping amenities on a raised wooden platform. Each site consists of the "glamping" structure and individual restroom facilities on wooden deck platforms with seating, a barbeque grill, and fire pit. Each campsite is provided with two parking spaces and the common utility/laundry buildings have additional parking spaces provided near them. Each site will be provided with individual water and septic service through shared wells and septic systems. Proposed wells and septic systems will be constructed in accordance with applicable local and state regulations prior to construction.

The proposed driveway system is intended to follow as close to existing grades as possible in order to maintain existing on-site drainage patterns, allowing storm water to infiltrate in the sandy soils along the sides of the driveway and collect in the existing on-site lowlands, wetlands, and creek. A future creek crossing is proposed for the driveway leading to the second phase of the campground. No storm water will be permitted to leave the site.

The proposed campground is intended to provide a quiet experience for guests and will not create excessive noise, dust, or odors that impacts surrounding properties or homes. Campfires will be limited to within the provided fire pits and no fireworks will be permitted at the campground. As sleeping accommodations will be provided, guests will not be allowed to set up their own tents or bring RV's or trailers to the campground. Additionally, off-road vehicles and ATV's will not be allowed at the proposed campground. An established quiet time of 10:00 p.m. will be enforced by the onsite/resident manager.

In accordance with the standards of the Zoning Ordinance all campsites and related activities are located at least 100' from any property boundaries and existing vegetation to be maintained offers a significant buffer between the campground and surrounding land. No proposed campsite is located within 700' of any existing home in the surrounding area. The applicant will pay for

Proposed Campground – 4575 Moore Rd.

Special Use Permit & Site Plan Review Application

applications of dust control material on Moore Rd. from the paved portion of Moore Rd. to the north of the subject site to the campground driveway during dry seasons in order to prevent road dust from impacting neighbors and other road users.

The proposed campground will be licensed by the State of Michigan in accordance with Act 368 of 1978 and be open seasonally to the public. Maintenance and preparation activities will commence on approximately April 15th of each year with the campground opening to visitors around the 15th of May. The campground will be closed to visitors around the 15th of October each year, with season ending maintenance and work ending around the 15th of November.

Regulations Summary

Project Address:

4575 Moore Road
Williamsburg, MI 49690

Project Parcel:

Tax ID 28-13-008-003-01

Project Size:

75 Acres

Existing Parcel Descriptions:

S 1/2 OF NE 1/4 SEC 8 T27N R9W EXC COM AT THEE 1/4 COR OF SD SEC 8 TO THE POB; TH N 88DEG 55'22" W ALONG THEE AND W 1/4 LINE OF SD SEC, 931'; TH N 00 DEG 39'57" E PARALLEL WITH THE E LINE OF SD SEC, 234'; TH S 88DEG 55' 22" E PARALLEL WITH SD E AND W 1/4 LINE, 931' TO SD E SEC LINE; TH SOODEG 9' 57" W ALONG SD E SEC LINE, 234' TO THE SD POB AND CONT 5 ACRES OF LAND, AND EXC RD R/W.

Existing Zoning:

RC-1 Recreational

Existing Land Use:

Vacant/Private Cabins

Proposed Land Use:

Commercial Campground

Uses Permitted:

Commercial Campgrounds

Commercial Campgrounds are permitted by Special Use Permit in the RC-1 zoning district.

Proposed Campground – 4575 Moore Rd.

Special Use Permit & Site Plan Review Application

Regulations Summary *continued*

	RC-1 zoning	Proposed
Minimum Lot Size:	5 Acres	75 Acres
Minimum Lot Width:	300 ft	1,086 ft
Max. Bldg. Height:	35 ft	35 ft
Front Yard Setback:	30 ft	30 ft
Side Yard Setback:	15 ft	15 ft
Rear Yard Setback:	30 ft	30 ft
Campground:	100 ft	100 ft
Parking:	NA	2 Spaces per Campsite + Additional Spaces at Common Buildings

Additional Standards

Commercial Campgrounds in the RC-1 Zoning District are subject to additional standards for approval, outlined in Section of 25.21 D of the Zoning Ordinance. The following describes how the proposed project complies with these standards, with ordinance language displayed in *italic* text and descriptions of the proposed project in regular text.

Sec. 25.21 D. Commercial Campgrounds

1. Commercial campgrounds shall only be allowed on parcels of 40 acres or greater.

The subject parcel is 75 acres in size.

2. All requirements of Public Act 368 of 1978 regulating Campgrounds shall be met.

The proposed campground will comply with all requirements set forth by the State of Michigan and be licensed as a campground by the State.

3. Permanent cabins.

Three existing cabins will remain on site, and the remaining campsites will incorporate the use of non-permanent geodesic domes on platforms.

4. Each dwelling or pad shall be provided water and sanitary service approved by the Grand Traverse County Health Department or have convenient access to approved service building(s).

All provision of water and sanitary sewer will occur on site and be approved and permitted by the Grand Traverse County Health Department prior to construction. Each proposed site will have its own restroom facilities and be served by group septic systems and wells.

5. The campground shall have access to an all-season road, either public or private.

The proposed campground has access to Moore Rd., an all-season Grand Traverse County owned public road.

Proposed Campground – 4575 Moore Rd.

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6. All campgrounds shall be designed to blend in with the surrounding environment to the greatest possible extent. Buffers or screening may be required.

The proposed campground has been designed to blend in with the existing natural features of the subject site. As required by the Zoning Ordinance, a 100' buffer around the perimeter of the property has been maintained for screening purposes. Existing trees and vegetation within this buffer will remain in place to provide visual screening and physical separation between the proposed campsite and neighboring properties and public thoroughfares.

7. Internal road systems shall be a minimum of 20' travel width.

The proposed internal driveway system provides 20'-wide travel surfaces to comply with the standards of the Ordinance.

8. Permanent residency is prohibited on the property with the exception of one residential home/office to be used and occupied by the campground owner or manager and his/her immediate family.

No permanent residency is proposed on the property as part of the project, except for the resident camper/manager. Proposed operation of the campground is between May and October, and the campground will be shut down by November 15th of each year.

9. Campsites or structures may be rented by the day, week or an indefinite period of time.

Campsites will be rented for varying lengths of time to meet individual guest schedules and stay durations. These rentals will take place according to the proposed seasonal operation outlined in the item above.

10. No structures or campsites shall be located within 100 feet of a property line.

As shown on the submitted site plans, no structures will be located within 100' of any property line.

11. Accessory/service buildings such as storage facilities, restrooms, kitchens, pavilions, etc. shall be allowed.

Proposed service and accessory buildings are shown on the attached site plans and described in more detail in the project summary provided with this submission.

12. Recreational elements shall not have a negative impact on the surrounding areas with regard to noise, light, odors, etc.

The proposed recreation uses on the site will not have a negative impact with regard to noise, light, odors, or similar on the surrounding areas. As described earlier in this document, a 100'-wide buffer will be maintained around the perimeter of the site. Potentially noxious uses and items such as fireworks and off road vehicles/ATVs will not be permitted in the campground. The applicant will provide dust suppression on Moore Rd. to limit potential impacts of additional vehicles on the public roadway. Additionally, none of the proposed campsites are within 700' of any off-site residence.

Proposed Campground – 4575 Moore Rd.

Special Use Permit & Site Plan Review Application

13. As part of the submittal, the applicant shall present a detailed management plan for the campground. The plan shall include continued compliance with the terms of the management plan and the following information:

A. The total number of campsites, cabins, and accessory buildings proposed.

The total number of proposed campsites is 40, with 3 being the small existing on-site cabins and 37 being “glamping” sites consisting of geodesic domes, glamping tents, or other sleeping accommodations set on elevated wood platforms. The first phase of the proposed project includes the construction of a maintenance building and a utility/laundry building. An additional two utility/laundry buildings are included in the future second phase.

B. The maximum permitted duration of residency.

Campground Maintenance and preparation activities will commence on approximately April 15th of each year with the campground opening to visitors around the 15th of May. The campground will be closed to visitors around the 15th of October each year, with season ending maintenance and work ending around the 15th of November. The potential maximum permitted duration of stay for a guest would be 5 months (from opening date to closing date), but it is anticipated that a vast majority of guests will stay between two nights and one week.

C. Policies and enforcement procedures to deal with noise, rowdy behavior, and similar nuisance activities.

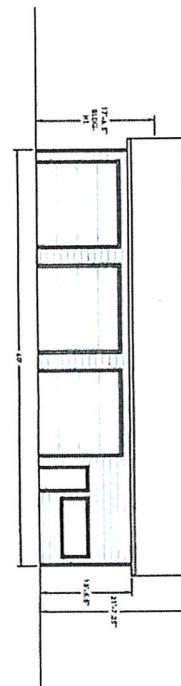
Unruly behavior, including excessive noise, will be addressed when reported by the on-site manager. If such behavior continues to occur after the manager’s warning, guests will be asked to leave the campground.

D. The hours and seasons the campground will operate.

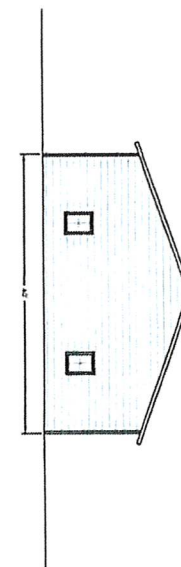
Campground Maintenance and preparation activities will commence on approximately April 15th of each year with the campground opening to visitors around the 15th of May. The campground will be closed to visitors around the 15th of October each year, with season ending maintenance and work ending around the 15th of November. Generally, camp offices will be open from 8:00 a.m. to 6:00 p.m., with an on-site manager available at all times.

E. Disclosure of all recreational elements.

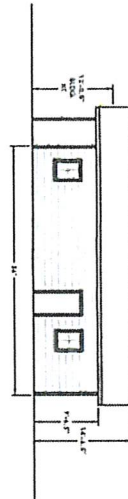
All proposed recreational elements are shown on the submitted site plans.



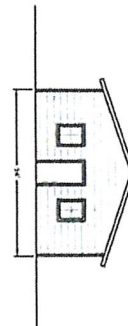
MAINTENANCE BUILDING
FRONT (SOUTH) ELEVATION:
SCALE 1/8" = 1'-0"



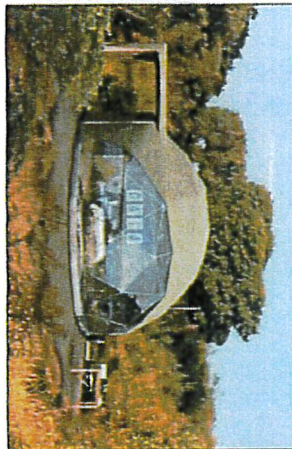
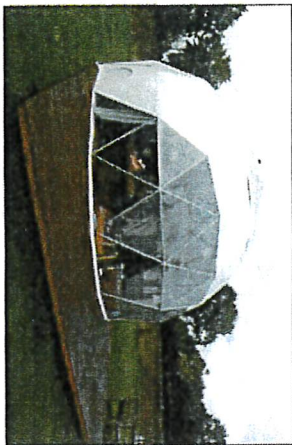
SIDE (AST) ELEVATION:
SCALE 1"=1'



MAINTENANCE BUILDING
SIDE ELEVATION (TYPE)
SCALE: 1/8" = 1'



FRONT ELEVATION (17' x 17')
SCALE: 1/8" = 1'-0"



REPRESENTATIVE GLAMPING DOME IMAGES



NOTES:

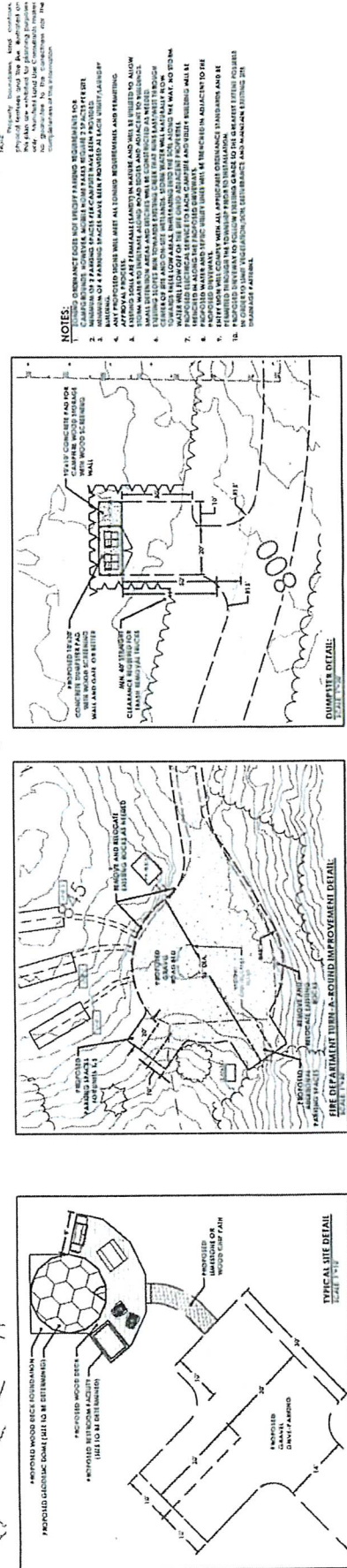
- CLAMPING DOMES AND INTERNAL RESTROOMS TO BE LOCATED ON BATTED WOOD DECK PLATING BALK.
- REPORT OF CLAMPING DOMES NOT TO EXCEED MAXIMUM STRUCTURE HEIGHT OF WHITEWATER TOWNSHIP ZONING ORDINANCE.

[illegible]

Robert and Regina Evina
Proposed Campground
BUILDING ELEVATIONS
Section B, Town 27 North, Range 09 West
Whitewater, Grand Traverse County, Michigan

Mansfield
— ca —
Land Use Consultants

330 Compuserp Drive 201
P.O. Box 4015
Tucson, AZ 85715
Phone 520 546 9310
www.compuserp.com
info@compuserp.com



LEGAL NOTICE
NOTICE OF PUBLIC HEARING
Whitewater Township Planning Commission

The Whitewater Township Planning Commission will conduct a public hearing at its regular meeting on **MARCH 3, 2021 at 7:00 PM**, at the Whitewater Township Hall, 5777 Vinton Road, Williamsburg, MI, to receive public comment on a proposed special use application.

A request has been received to operate a major home occupation in the A1-Agriculture zoning district as listed in Article VI, Section 6.10.G. The property subject to this request is parcel #28-13-109-010-00 also known as 10937 Elk Lake Road, Williamsburg, Michigan 49690

All persons are welcome to attend and will be heard concerning the proposed request. Remote participation through Zoom will be available. A copy of the complete application is available for public viewing at the Whitewater Township Hall, 5777 Vinton Road, Williamsburg, MI 49690, during regular office hours.

Written comments will be received until the time of the meeting and should be addressed to the Whitewater Township Planning Commission, Attn: Zoning, P.O. Box 159, Williamsburg, MI 49690.

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 x24 or the TDD at 800-649-3777 at least 5 days in advance of the public hearing.

Cheryl A. Goss
Whitewater Township Clerk

Posted inside/outside the Township Hall and on the home page of the township website on 02/04/2021 at 3:00 p.m.

Whitewater Township
5777 Vinton Road | P.O. Box 159
Williamsburg, Michigan 49690

www.whitewatertownship.org

zoning@whitewatertownship.org

STAFF REPORT

	Site Plan Review	Special Land Use
Applicant:	Hubbell, Paul and Susan	
Address:	10937 Elk Lake Road Williamsburg, Michigan 49690	
Phone:	231-313-8165	
Applicant:	Merchant, Steve and Sadie	
Address:	10114 Elk Lake Road Williamsburg, Michigan 49690	
Phone:	231-313-1051	
Parcel ID:	28-13-109-010-00	
Zoning District:	A1 - Agriculture	
Use Request:	Applicant(s) request to operate a ' Major Home Occupation ' ¹ in an Accessory Building ² as a special land use subject to site plan review. ³	
	HOME OCCUPATIONS: An occupation or business activity located within a residential dwelling or in an accessory building which is clearly subordinate to the principal residential use. (Whitewater Township Zoning Ordinance, Article III, Definitions)	
Summary:	The Whitewater Township Zoning Ordinance is structured in a manner that incorporates uses permitted in one district to be permitted in another simply by reference. In this case, the uses permitted in the A1-Agricultural district also includes: A. All uses permitted and as regulated in the Residential District R-2, except that... and, the Multiple Residential / Residential R-2 permits: A. All uses permitted by right in the Residential District R-1. The Residential R-1 district permits: G. Home occupations (emphasis added) subject to the requirements of Article 37, Supplementary Provisions. Article XXXVII (Section 37.40) further clarifies that a 'Major Home Occupation' can be conducted within the residence and / or an 'accessory' building, and further stipulates that this type of 'occupation' shall require a special use permit from the Planning Commission subject to the provisions in Article XXV, Section 25.22.C – Special Use provisions for Major Home Occupations.	

¹ Whitewater Township Zoning Ordinance, Article XXXVII, Section 37.40

² Whitewater Township Zoning Ordinance, Article III, ACCESSORY BUILDING: A supplemental building or structure located on the same lot as or a lot contiguous to the primary building or where a primary use is being established

³ Whitewater Township Zoning Ordinance, Article XXV, Section 25.11.A.3

ZONING DISTRICT STANDARDS

1.00 By establishing the parcel location in the A-1 Agriculture zoning district, and by following each sequential zoning district and the referenced permitted uses, the Zoning Administrator has determined that a 'home occupation' (further classified as a 'major' home occupation) is a permitted use. Additionally, the permitted use is subject to special use review by the Planning Commission.

1.10 Article XII establishes building sizes, lot sizes, and yard requirements for all zoning districts

- The minimum lot width required is 200' (two-hundred) feet – the subject parcel has 270' (two-hundred and seventy) *unbroken* feet and in excess of 2,300' (two-thousand and three hundred) feet respectively on the southwest corner of Elk Lake and Gay Roads as demonstrated on the provided site plan (File No: 2021-014).
- The minimum lot area required is 40,000 (forty thousand) square feet – the subject parcel size far exceeds the required minimum and is not in question.
- The minimum front yard setback (in this case: Gay Road and Elk Lake Road) required is 30' (thirty) feet. There are no existing structures within and no new construction being proposed in the front yard setback(s) area.
- The minimum side yard setback required is 15' (fifteen) feet. The nearest side yard (according to the site plan scale and personal site inspection) is 125' +/- (one-hundred and twenty-five) feet away from the proposed new construction.
- The minimum rear yard setback required is 30' (thirty) feet. There is no defined rear yard for the subject parcel.

SITE PLAN REVIEW

2.00 Having established that the zoning ordinance declares that a 'Major' Home Occupation is subject to special use review by the Planning commission, then it follows that a site plan review is also mandated.

Note: *The Zoning Administrator under Article XXV, Section 25.20.A determined that the benefit of doubt as to whether a home occupation was permitted (as listed in Article VI) or a special use (as listed in Article XXXVII) should go to the applicant as far as 'site plan' standards were concerned.*

Note: (25.11.F.2.z) staff has a scaled drawing containing the seal

2.10 The 'plot-plan' | site plan contains all of the essential elements as required in Article XXV, Section 25.20.C with the exception of parking being delineated as required under Article XXXIV. Article XXXIV does 'not' seem to contemplate parking requirements for a 'Major' Home Occupation and staff could not determine a comparable use intensity in order to make an adequate parking recommendation. However, based upon the scale of the drawing, the demonstrated area would easily accommodate 6 to 8 vehicles. Additionally, the applicant(s) have sufficient area for reserved parking capacity if needed in the future.

SPECIAL LAND USE REVIEW

3.00 HOME OCCUPATIONS ('Major' Home Occupation) Article XXXVII, Section 37.40.B

B. Major Home Occupations can be conducted within the residence and/or an accessory building located on the property. Signage shall be allowed on site and non-resident employees may be allowed. Further, *this type of occupation shall require a special use permit from the Planning Commission and meet the special conditions listed in Article 25.22 (C).* Examples - Hairdresser, Retail Shops (including antiques and gifts) and similar uses as determined by the Planning Commission. (*emphasis added*)

3.10 Article XXV, Section 25.22 further provides – *(staff comments)*

1. At no time shall the number of vehicles on site impose a negative impact on adjacent uses. frequent shipments or deliveries by vehicles having more than two drive-axels are prohibited.
2. The occupation may offer for sale any article or service provided that the sale of any articles shall not have a negative impact on the surrounding areas with regard to noise, light, odors, etc.
3. Hours of operation shall be stipulated by the Planning Commission. *(staff would recommend that hours of operation be recommended by the applicant and that Planning Commission approval be solicited)*
4. Signage size and number(s) shall be determined by the Planning Commission. *(staff would recommend that the Planning Commission allow Article XXX – SIGN REGULATIONS of the Whitewater Township Zoning Ordinance dictate the size and number of signs permitted)*
5. Home Occupations shall only be permitted when endorsed by the property owner (if applicant is not the property owner). All application materials, site/plot plans and final conditions shall be authorized by the property owner. *(see staff comments on #7)*
6. Such other conditions as may be determined by the Planning Commission.
7. The occupation shall be required to submit an annual permit for administrative review. All annual permits shall be received by the Zoning Administrator by January 15. *(staff would recommend that this provision be eliminated from this review process - there are two basic principles of zoning that are frequently misunderstood: Zoning | Planning administrative decisions are permanent, not temporary; and the zoning decision is attached to the parcel of land, not just for the person who sought the approval. One exception to this principle is when the administrative decision covers mining, a finite resource. In those cases, the mining operation is complete when the mineral or aggregate is gone, meaning the mining permits can go away when the resource is spent. The second commonly misunderstood principle is that zoning permits are attached to, and travel with the person and situation for which they are issued. Those permits are not issued with the idea they are only for the individual person(s) who applied for the approval. Zoning administrative decisions cannot be restricted to a person. There are several other categories of land uses that 'may' be considered 'temporary')*

In the event the Zoning Administrator determines that the occupation no longer complies with the original approval by the Planning Commission, the applicant will be required to submit a revised application for special use approval to the Planning Commission. *(non-compliance with the zoning ordinance or an approval granted is a VIOLATION of the zoning ordinance and should be treated as such. This type of particular VIOLATION could be remedied by submitting a revised 'special' use application)*

STAFF RECOMMENDATION(S)

SITE PLAN | PLOT PLAN

After noting that there is sufficient parking (or deferred parking area available) for the proposed use, the Zoning Administrator would recommend that the Planning Commission make independent findings and conclusions that would support approval of the site plan as presented.

SPECIAL USE

After applying the standards outlines above in 3.10, and after having mitigated any concerns related to compliance with these same standards, the Zoning Administrator would recommend that the Planning Commission make independent findings and conclusions that would support approval of the requested 'special' use as a 'MAJOR' HOME OCCUPATION on the subject parcel.

Submitted for Planning Commission review –

Robert A. Hall

**Special Use Permit/
Site Plan Review Application**

WHITEWATER TOWNSHIP

5777 Vinton Road, PO Box 159
Williamsburg MI 49690
PH (231) 267-5141 Fax (231) 267-9020

Case No. SLUP2021-02
Date Rec. 01.28.2021
Fee 600
500
100

Property Information

Parcel Number 13-109-010-00
Address 10937 Elk Lake Rd. Williamsburg MI 49690
Zoning District _____ Acres 40.6 Current Use Agriculture

Property Owner Information

Name Paul & Susan Hubbell
Address 10937 Elk Lake Rd Williamsburg, MI 49690
Phone 231-313-1051 Fax n/a

Applicant Information

Name Paul & Susan Hubbell and Steve & Sadie Merchant
Address 10937 Elk Lake Rd Williamsburg, MI 49690
Phone 231-313-8165 & 231-313-1051 Fax n/a

Description of Proposed Use (Use reverse side or attach pages as needed)
(see attached)

I hereby attest that the information on this application form is, to the best of my knowledge, true and accurate.

S. Hubbell Paul & Susan Hubbell 1.23.2021
Signature of Applicant Date

I hereby grant permission for members of the Whitewater Township Planning Commission and the Zoning Administrator to enter the above described property for the purposes of gathering information related the this application.

Paul & Susan Hubbell 1.23.2021
Signature of Property Owner Date

 **ORIGINAL**



WHITEWATER TOWNSHIP
577 Vinton Road – P.O. Box 159
Williamsburg, Michigan 49690

331-267-5141 x 21

zoning@whitewatertownship.org

www.whitewatertownship.org

2/11/21

Greetings!

You are receiving this communication because according to our records you own real property situated within 300' (three-hundred) feet of a property subject to a public hearing as described in the below notice. This notice is required in accordance with PA 110 of 2006, the Michigan Zoning Enabling Act. No action is required on your part in response to this notice. All meetings of the Whitewater Township Planning Commission are open to the public.

Sincerely,

Zoning Administrator

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Whitewater Township Planning Commission

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Cheryl A. Goss

Whitewater Township Clerk



WHITEWATER TOWNSHIP

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

February 4, 2021

The parcel referenced below is the subject of a special use application –

As of the date of this notice, taxes on Parcel #28-13-109-010-00 are paid up to date.

Luis M. Khan

Treasurer / Deputy Treasurer

Date: 2/4/2021



ORIGINAL

**Special Use Permit
Site Plan Review Application**

WHITWATER TOWNSHIP

Description of Proposal Use

Our hope is to open a unique marketplace in Whitewater Township in August 2021. The business will be located on our family farm with plans to be open to the public one weekend per month, with additional hours throughout the prime cherry and apple seasons. We plan to feature local farm market vendors and artist, Michigan made products, reclaimed furniture, antiques, along with farm related products such as promotional clothing and canned goods. The weekend destination will feature seasonal activities including u-pick apples, cherries, and pumpkins, a play place for children, and a complete "shop local" experience. Our goal is to capitalize on the growing demand for ag-tourism. We know that our small town American farm should not be taken for granted in today's modern world. It is difficult for the small farmer to survive without adaptation to the needs and interest of the public. We have been producing cherries and apples in the traditional way for decades; we feel that this unique farm market setting will give our family a promise of a future with our farm. The simple nature of a newly blossomed cherry or crisp flavor packed bite of a freshly picked apple are among the simple things in life that should be enjoyed by all. Myrtle and Maude's Marketplace will provide families the opportunity to experience life at a slower pace while stimulating the local economy and promoting the importance of preserving America's rural livelihood and farmland.

SUBMISSION REQUIREMENTS

The applicant shall complete and submit the required number of copies of an application for Site Plan Approval, site plans, and other information where applicable. Compliance with the requirements of the Zoning Ordinance is mandatory. The applicant or his/her representative must be present at each scheduled review or the matter will be tabled for a maximum of two consecutive meetings due to lack of representation. The procedure for processing major project site plans includes three phases: conceptual review via a pre-application conference, preliminary site plan review and final site plan approval.

PRE-APPLICATION CONFERENCE

During this conceptual review phase, a generalized site plan is presented by a prospective applicant for consideration of the overall idea of the development. Basic questions of use, density, integration with existing development in the area and impacts on and the availability of public infrastructure are discussed. This conference is scheduled by a prospective applicant with the Planning Department and such other Whitewater Township representatives as appropriate, including one member of the Planning Commission. At this meeting the applicant or his/her representative is also presented with the applicable procedures required by the Ordinance for approval of the proposed development and with any special problems or steps that might have to be followed such as requests to the Board of Appeals for a variance. There is no charge or fee to the applicant for the pre-application conference.

PRELIMINARY SITE PLAN REVIEW

The second phase is called Preliminary Site Plan Approval. At this step a preliminary site plan meeting the submittal requirements of this Ordinance (see Subsections 2&5) is reviewed by the Planning Department and Planning Commission, and the changes necessary, if any, for final site plan approval are indicated in writing to the applicant.

FINAL SITE PLAN REVIEW

Final Site Plan approval shall be by the Planning Department, or by Planning Commission as required by the Ordinance. The approving body or official shall indicate in writing that all requirements of the Ordinance including those of other reviewing agencies within Whitewater Township have been met including any conditions that may be necessary. Where the applicant is dependent upon the grant of any variances by the Zoning Board of Appeals, said favorable action by the Zoning Board of Appeals is necessary before final site plan approval can be granted. An approved site plan shall include a note referencing the case number and date of all variances granted.



ORIGINAL

Site Plan Requirements

- a. The applicant's name , address and phone number in full
- | | |
|---------------------------------|-----------------------------------|
| Paul & Susan Hubbell | Steve & Sadie Merchant |
| 10937 Elk Lake Rd. | 10114 Elk Lake Rd. |
| Williamsburg, MI 49690 | Williamsburg, MI 49690 |
| 231-313-8165 | 231-313-1051 |

b. Proof of property ownership, and whether there are any options or officially acting on the owner's behalf.

- c. A signed statement that the applicant is the owner of property or officially acting on the owner's behalf.

N/A

- d. The name and address of the owner(s) of record if the applicant is not the owner of the record (or firm or corporation having legal or equitable interest in the land) and the signature of the owner(s).

N/A

e. The address and/or parcel number of the property – from road commission

- f. Name and address of the developer (if different from the applicant).

N/A

- g. Name and address of the engineer, architect and/or land surveyor.

Neil Way with Eagle Land Surveying, Inc.

- h. Project title.

Myrtle & Maude's Marketplace

- i. Project descriptions, 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.

One structure to be built: 60 x 40 pole building. See land survey for specifics

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

See land survey

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

See land survey, also plan to eventually expand to all 80 acres of the farm to include areas for u-pick pumpkins, cherries, & apples

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

Land uses: currently a vacant parcel on Orchard View Farms – a cherry and apple farm. Surrounding pole buildings are utilized for farm storage/equipment

- m. Project completion schedule/development phases.

Plan to start building process in spring 2021 when frost laws are lifted and to open August 2021

- 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.

N/A - minimal impact expected on environment

- 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 completions of the "hazardous Substance Reporting Form for Site Plan Review".

No hazardous substances will be utilized with project

2. The site plan shall consist of an accurate, reproducible drawing at a scale of 1"=100' or less, showing the site and all the 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.

See land survey

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

See land survey



ORIGINAL

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

N/A

d. Locations and type of significant existing vegetation.

N/A

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

N/A

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.

See land survey

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.

N/A

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

See land survey

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.

See land survey for driveway placement

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.

See land survey

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



ORIGINAL

N/A

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

N/A - no plan for public walkways

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.

No fire hydrants on property

(2) Septic systems and other waste water treatment systems (the location of the drain field and the septic tank should be clearly distinguished).

???

(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.

No hazardous or polluting materials to be used

(4) Underground storage tank locations together with connected distribution and collection systems.

???

(5) Locations of exterior drains dry wells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store or transport wastewater or storm water to the naturally occurring aquifer. The point of discharge for all drains and pipes shall be specified on the site plan.

???

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

Plan for electric & cable internet

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

N/A - no plan for common open spaces



ORIGINAL

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

Number of and size of signs allowed to be dictated by the planning commission?

Can we have a sign on the building itself? We plan to have temporary signs at main intersections on the weekends we are open. - what size are these allowed to be?

(Intersections include: Elk Lake Rd & m72, Angel Rd & 31, Townline Rd & 31, Elk Lake Rd. & 31)

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

Plan for 2 lights on the exterior of the building, on either side of the entryway door to the market.

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

No plan for screening features.

- s. – z. we were told N/A



ORIGINAL

CRA 100 (03/2005)

Grand Traverse County Road Commission

1881 LaFranier Road
Traverse City, MI 49696-0000
Phone: 231-922-4848
Fax: 231-929-1836

Application No. 13104
Permit No. 2021-000037
Issue Date 01/22/2021

**APPLICATION AND PERMIT TO CONSTRUCT, OPERATE, USE AND/OR MAINTAIN
WITHIN THE RIGHT-OF-WAY OF; OR TO CLOSE, A COUNTY ROAD
APPLICATION**

An applicant is defined as an owner of property adjacent to the right-of-way, the property owner's authorized representative; or an authorized representative of a private or public utility who applies for a permit to construct, operate, use, and/or maintain a facility within the right-of-way for the purpose outlined within the application. A contractor who makes application on behalf of a property owner or utility must provide documentation of authority to apply for a permit.

APPLICANT	Paul Hubbell 10937 Elk Lake Rd Williamsburg, MI 49690-0000	CONTRACTOR	Self
	Phone(s): 231-313-8165 - - - Email: ph3g1b@aol.com		
Applicant/Contractor request a permit for the following work within the right of way of a county road: Commercial - Commercial Drive			
LOCATION: County Road <u>Gay</u> Between <u>Elk Lake Road</u> And <u>Munro</u>			
Township <u>Whitewater</u> Section <u> </u> Side of Road <u>South</u> Property ID <u>28-13-109-Q10-Q0</u>			
DATE: Work to begin on <u>01/22/2021</u> Work to be completed by <u>01/22/2022</u>			
I certify and acknowledge that (1) the information contained in this application is true and correct, (2) the commencement of the work described in this application shall constitute acceptance of the permit as issued, including all terms and conditions thereof and, (3) if this permit is for commercial or residential driveway work, I am the legal owner of the property that this driveway will serve, or I am the authorized representative.			
Applicant's Signature: <u>On File</u>		Contractor's Signature: <u>On file</u>	
Title: <u> </u> Date: <u> </u>		Title: <u> </u> Date: <u> </u>	

PERMIT

The term "Permit Holder" in the terms and conditions set forth on the reverse side hereof, refers to the applicant and the contractor, where applicable. By performing work under this permit, the Permit Holder acknowledges and agrees that this permit is subject to all the rules, regulations, terms and conditions set forth herein, including on the reverse side hereof. Failure to comply with any of said rules,

REQUIREMENTS	FEE TYPE	AMOUNT	RECEIPT NO	DATE			
	Commercial RC	150.00	18255		Letter of Credit	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N
					Surety Bond	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N
					Retainer Letter	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N
					Approved Plans on File	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N
					Certificate of Insurance	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N
					Attachments/Supplemental Specifications	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N

OTHER REQUIREMENTS:

Drive to be located approx. 180' East of Elk Lk Rd on the South side.

One 22' Commercial gravel driveway approach. No culvert necessary as long as drainage is maintained away from road. Refer to the attached standard sketch. The finished surface on a driveway approach shall slope down from the pavement edge at a rate of 1/2" - 3/4" per foot back to the ditch centerline. This distance shall not be less than 8'. COPY SENT TO THE TOWNSHIP AND TO THE CONSTRUCTION CODE OFFICE. The terms of this permit represent only the Resurfacing of the driveway. Other agencies may have additional requirements. Applicant/Contractor is approved for construction of the driveway. Other agencies may provide notification to the Road Commission upon completion of construction for Final Inspection and approval. Future upgrades require additional permitting.

Drainage must be maintained away from road.

**ORIGINAL**

CRA 100 (03/2005)

Grand Traverse County Road Commission

1881 LaFranier Road
Traverse City, MI 49696-0000
Phone: 231-922-4848
Fax: 231-929-1836

Application No. 13104
Permit No. 2021-000037
Issue Date 01/22/2021

Recommended for Issuance By:



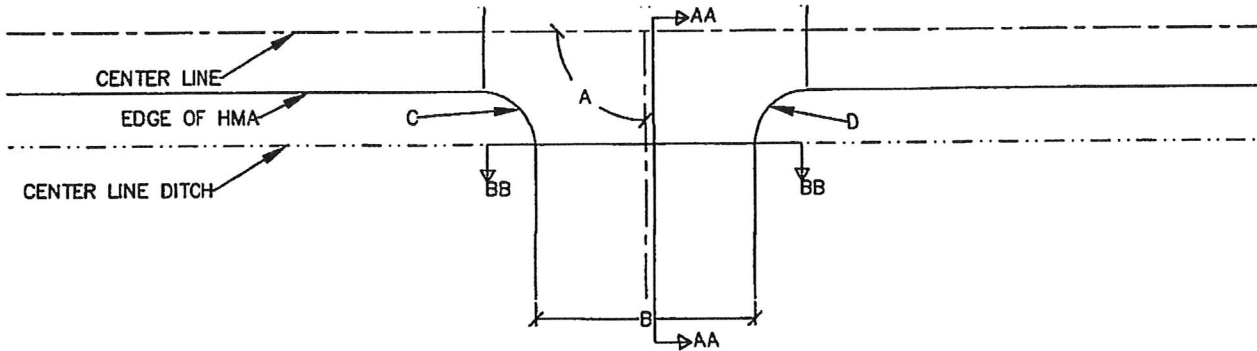
Title: Traffic Services Supervisor Date: 01/22/2021

Approved By:

Title: _____ Date: _____

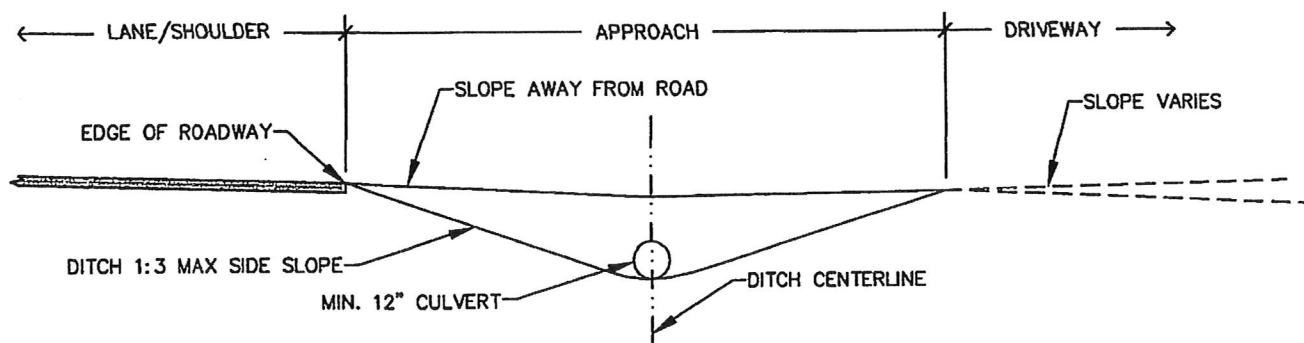


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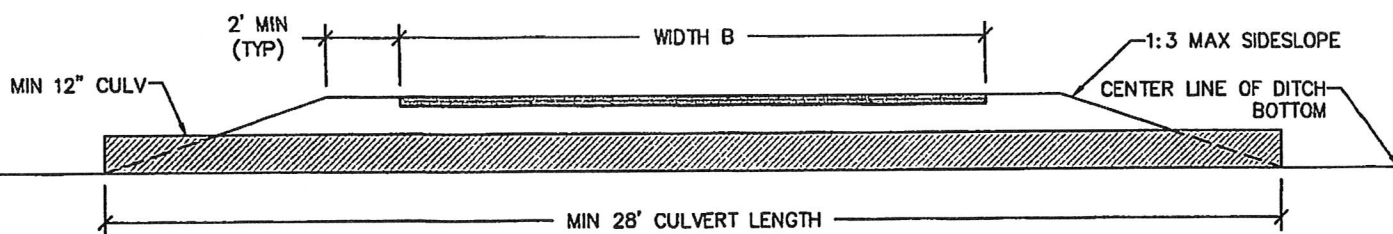


Design Features	Dimension	Recommended	Range
Approach Angle	A	90°	70° to 90°
Driveway Width	B	16'	12' to 35'
Entrance Radius	C	10'	5' to 35'
Exit Radius	D	10'	5' to 35'
Total Width	R	36'	14' to 55'

RESIDENTIAL DRIVEWAY CROSS SECTION AA-AA



RESIDENTIAL DRIVEWAY CROSS SECTION BB-BB



- THE RECOMMENDED DIMENSIONS SHALL BE USED UNLESS TRAFFIC SERVICES SPECIFIES OR THE APPLICANT SHOWS CAUSE FOR, AND TRAFFIC SERVICES APPROVES, A DIFFERENT VALUE. THE RANGE IN DIMENSIONS INDICATES THE WORKING VALUE FOR EACH DESIGN FEATURE. CULVERTS SHALL BE LOCATED A MINIMUM OF 25 FEET OFF THE CENTER LINE OF THE ROAD UNLESS TRAFFIC SERVICES SPECIFIES OR APPROVES A DIFFERENT VALUE. FOR DRIVEWAYS SERVICING TWO HOMES THE MINIMUM WIDTH IS 24 FEET.



**GRAND TRAVERSE COUNTY
ROAD COMMISSION**
1881 LaFRANIER ROAD
TRAVERSE CITY, MI 49686-8911
231.922.4848 PHONE
231.929.1836 FAX

STANDARD PLAN

TYPICAL RESIDENTIAL DRIVEWAY

REVISIONS

DATE: 01-03-2017
GTCRC NO.
DRAWN J. SLONECKI
CHECKED -

SHEET 1 OF 1

ORIGINAL

Haggard's

PLUMBING and HEATING

"Business of Quality and Service"
"Charlevoix-the-Beautiful"
haggardsinc@hotmail.com

February 15, 2021

Whitewater Township Planning Commission
P.O. Box 159
Williamsburg, MI 49690

RE: Request to operate a major home occupation in the A10 Agriculture Zoning District
property located at 10937 Elk Lake Rd. Parcel#28-13-109-010-00

To Whom It May Concern,

Upon reviewing the above Article, I would like to express my view on the above plan request. Haggard's Plumbing & Heating is not opposed to the changes of the property and/or ~~the request to the~~ Zoning Board. If a property owner is fortunate enough to have the ability and the resources in this time to either building and/or improve their existing property, it would only help the economy continue to grow. It would prove positive for the local, county and state to do all we can to improve and promote growth in anyways possible.

Sincerely,



John Haggard
Haggard's Plumbing & Heating

WHITEWATER TOWNSHIP PLANNING COMMISSION
MINUTES FOR REGULAR MEETING via ZOOM
February 3, 2021

Call to Order at 7:00 p.m.

Roll Call: Via Zoom: Dean in Williamsburg; Mangus in Traverse City; Wroubel in Williamsburg

In person: Jacobson

Also in attendance: Recording Secretary MacLean

Set / Adjust Agenda: Set

Declaration of Conflict of Interest: None.

Public Comment: Linda Slopsema 9693 Miami Beach Rd., draft zoning ordinance for marihuana facilities, specifically the overlay district. Would this overlay district be fair and objective? Would this appear to be spot zoning? Surprised there is a particular parcel noted.

Public Hearing: Amendment #78 regarding Article 28, Condominium Regulations and Article 3, Definitions. Public Hearing notice was published in the Traverse City Record Eagle January 17, 2021.

Open public hearing at 7:10 p.m.

Presentations / Notes: Same public hearing as was scheduled in December.

Public Speaking regarding Amendment #78: None.

Close public hearing at 7:13 p.m.

Discussion: Spelling and typographical errors.

Decision – Rationale: Including Master Plan goals will be included.

MOTION by Jacobson, second by Wroubel to approve to forward Amendment #78 regarding Article 28, Condominium Regulations and Article 3, Definitions, as adjusted, including the rationale to the Township Board for approval.

Discussion: Include the adjustments and rationale.

Roll call: Dean-yes; Jacobson-yes; Mangus-yes; Wroubel-yes. All in favor. Motion carried.

Approval of Minutes:

MOTION by Dean, second by Jacobson to approve January 6, 2021, Meeting Minutes as amended.

Roll call: Jacobson-yes; Mangus-yes; Wroubel-yes; Dean-yes. All in favor. Motion carried.

Correspondence: None

Reports:

Zoning Administrator Report, Hall: Via Mangus: Expect a couple of site plan reviews and special use permits next month. Potential campsite on Moore Road and one major home occupation review.

Sought out information on who could go over the Master Plan. Mangus will forward it to all commissioners. One offered to run through free of charge. One offered to go through and then go through it with the PC for \$850.

The Board has not come to a consensus on a Township Board Rep. for the PC.

Hooper has resigned from the PC so he is no longer the ZBA representative either. The PC can present a name for the PC Representative to the ZBA to the supervisor for board approval. Wait until the PC has a full commission.

Discussion of Hooper's decision to resign immediately after requesting to remain on the PC and then not being brought forward for reappointment by the Supervisor.

Chair's Report, Mangus: For the annual report. Run through a list of items the PC discussed and did in 2020.

Consensus to forward to ZA, Hall.

Township Board Rep., Not Available

ZBA Representative,: Not Available

Committee Reports: None.

Additional Items: None.

Unfinished Business

1. Master Plan Review:

Discussion of outside input: Wade Trim will offer a written report and a zoom meeting for a flat fee of \$850. Grobel is another that is willing to go through it and discuss with the PC for free. Consensus to go with the free offer.

Discussion of organization structure/Table of Contents: Get input first

2. Marihuana Zoning Ordinance: The draft ordinance was requested by the board. What came from the attorney is not something that needs to be rubber stamped by the PC. This is a starting point. The Board approved grow and process. It is the PC's job is to place it appropriately get it in the zoning ordinance. The PC needs to add specific criteria for special use permit. The attorney indicates making changes to the care giver rules. Attorney Fahey has sent an article regarding the rule changes regarding care giver rules.

Discussion on adding care giver law to the zoning ordinance: Re: home occupation, leave it the way it is. We do not need to create problems where there have been no problems. Unenforceable. We do not need to regulate it. List it as a home based business.

Consensus to add as a home based business.

Grow and Process: Approval for the industrial district, medical is specifically legal.

Recreational could be an overlay district. Take out specifics of any individual properties. The attorney put forward the minimum that would need to be put in place without any criteria / standards / guidelines. The PC needs to come up with criteria / standards / guidelines. The township has an option for recreational to open up other districts like Ag, village, commercial, etc.

Kalkaska has a good ordinance that we can look at.

Consensus to NOT rubber stamp the attorney proposal.

Consensus to allow in the industrial district.

No farmer should be not allowed to grow their ag crop.

An overlay district with specific guidelines such as distances from residences, schools, etc.

Does anyone want to add commercial?

Does anyone want Rec, village, residential? Consensus – no, at least for now. Maybe in commercial.

An overlay district, the way it is presented, appears to be very close to spot zoning.

Consensus to allow in Ag with criteria as a special use. Everyone gets to play by the same rules.

Come up with a list of criteria for the special use process.

Introductory discussion and educational options. Maybe Bob can find someone who is willing to come in and speak with / discuss with the PC.

Tentatively drop the overlay district. Place in industrial-permitted use, potentially commercial and Ag with guidelines. Come up with criteria and see if it fits with commercial.

Different standards for recreational and medical? Different standards for grow vs process?

Kim can bring in some other zoning ordinances from other/local townships and will forward the info from the attorney regarding care giver information.

New Business:

1. Election of officers:

MOTION by Jacobson second by Dean to keep the slate of officers the same: Mangus as Chair, Dean as Vice Chair and the Jacobson as Secretary.

Roll call vote: Mangus-yes; Wroubel-yes; Dean-yes; Jacobson-yes. All in favor. Motion carried.

Next Regular Meeting is scheduled for March 3, 2021.

Agenda: Master Plan Review; Marijuana facilities / ordinances

Tabled items: RC District review and Event Barns review;

Public Comment: Linda Slopsema: Thank you to the PC members. Thoughtful comments.

Commission Discussion/Comments: Carl does not understand why the person presented for the PC was not approved, seemed qualified.

Dean: Bring the ZA up to speed with what was discussed tonight. Get any more insight from him.

Continuing Education: None
Adjournment: 8:45 p.m.

Respectfully Submitted
Lois MacLean,
Recording Secretary

DRAFT



Whitewater Township Planning and Zoning
JANUARY thru DECEMBER 2020
ANNUAL REPORT

Planning Commission Meeting / Workload Summary for 2020

- There were 6 PC meetings conducted including a combination of in-person and virtual meetings via ZOOM
- Procedures for amending the zoning ordinance (as stated in the PC bylaws) were reviewed and updated so as not to conflict with state statutes and to align with procedures stated in the zoning ordinance
- 'Town hall' style special meeting conducted in January of 2020 to solicit public input on the Whitewater Township Master Plan and pending legislation
- Site Plan review (preliminary) of a proposed special use request for a commercial campground on Moore Road in the RC zoning district
- At the request of the Whitewater Township Board the Planning Commission began a review of:
 - Event Barns:
 - RC District (5 acre lot size):
 - The two topics above [Event Barns and RC District lot sizes] were briefly discussed during the initial phases of Master Plan review and received various public comment / concern. Because both of these are broad topics, the Planning Commission felt (via consensus) that the public could best be served with further study and input. Staff inserted that it may be advisable to consider these topics during various stages of Master Plan review, where appropriate, so that decisions can have community based and factual support
- Master Plan review was initiated with review and revisions of Section 1 and 3, public input aspects such as goals will resume when the commission is able to interact freely and in person with the community or when all other areas have been addressed
- A consultant [Chris Grobbel / Grobbel Environmental & Planning Associates] was selected to provide education (based on a complimentary audit) regarding the Master Plan in an attempt to identify missing statutory elements
- Article 28 [condominium regulations and corresponding definition] was sent to attorney for review / response received , text revised, public hearing scheduled and conducted on March 3, 2021 – sent to Township Board with a recommendation to adopt.

Zoning Board of Appeals

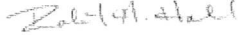
There was one (1) variance request heard by the Zoning Board of Appeals for a 'use' variance. The appeal was denied because the applicant did not meet the strict standards of review. *[historically speaking, use variances are seldom granted because it permits a quasi-judicial body to perform a legislative function; in effect, amending the ordinance to allow a 'use' that is not otherwise permitted without following the proper processes]*

Staff Comments:

Staff firmly believes that education and inclusion can benefit the entire community. The Master Plan should remain the highest priority during the current year (while not neglecting any of the other essential duties as they arise). All zoning decisions should ultimately be able to be traced back to the zoning plan, a required element of the Master Plan.

After the Master Plan is completed – it is typically time to begin a process of zoning ordinance review. This is usually done after reviewing / prioritizing the established Master Plan goals and determining what level of implementation (through zoning) may be feasible and at what intervals.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Robert (Bob) Hall".

Robert (Bob) Hall
Zoning Administrator

Land Use Permit Activity - 2020

Permit No.	Form No.	TAX ID #	Zoning	Owner Name	Project Description	Date
2020-01	000690	28-13-133-039-01	A1	Johnsom, Macdonald James	Acc. Building	1/16/2020
LD-2020-01	N/A	28-13-122-022-42	A1/R1	Nowak, Joseph	Land Division	2/2/2020
2020-02	000691	28-13-750-028-00	R1	DeRossa, Edward	Acc. Building	2/13/2020
2020-03	000692	28-13-124-010-01	R1	Harris, Edwin and Fay	New Dwelling*	2/20/2020
2020-04	000693	28-13-340-021-00	R1	Zolnai, Daniel	New Dwelling*	2/27/2020
2018-10	000694	28-13-031-002-10	RC	Moutsatson, Christopher	Acc. Building	2/27/2020
2020-05	000695	28-13-005-013-11	A1	Raddatz, Stephen	AG Building	2/27/2020
LD-2020-02	N/A	28-13-104-019-00	A1	Morrison, Mark and Tracy	Land Division	3/5/2020
2020-06	000696	28-13-550-001-00	R1	Holt, Douglas and Christine	New Dwelling*	3/5/2020
2020-07	000697	28-13-430-002-00	R1	McElwee, Shelle	Acc. Building	3/12/2020
LD-2020-03	N/A	28-13-016-004-10	RC	Benak, Donald and Della	Land Division	3/12/2020
2020-08	000698	28-13-430-015-00	R1	Edmond, Fred and Mary	New Dwelling*	4/2/2020
LD-2020-04	N/A	28-13-135-023-00	A1	Jacklyn, David and Denise	Land Division	04/02/2020
COMB-2020-05	N/A	28-13-125-009-13	A1	Alexander, Todd and Sarah	Combination	4/16/2020
2020-09	000699	28-13-230-007-00	R1	Wolf, Brian	Acc. Building	4/23/2020
2020-10	000700	28-13-005-001-50	A1	Schrouder, Todd and Debra	New Dwelling	4/30/2020
2020-11	000701	28-13-124-001-00	R1	Campbell, Robert	Acc. Building	5/7/2020
LD-2020-05	N/A	28-13-136-001-00	A1	Morrison Orchards, LLC	Land Division	5/7/2020
2020-12	000702	28-13-125-009-30	A1	Alexander, Todd and Sarah	New Dwelling*	5/14/2020
2020-13	000703	28-13-630-011-28	R1	Leppien, Craig	Res. Addition	5/14/2020
2020-14	000704	28-13-003-100-21	A1	Mangus, Kim and Steve	New Dwelling*	5/28/2020
2020-15	000705	28-13-133-009-10	A1	Johnstone, Johnathon	New Dwelling/Acc.	5/28/2020
CAMP-2020-01	000706	28-13-017-004-75	RC	Pauly, Brad	Temp. CAMP Permit	5/28/2020
2020-16	000707	28-13-122-011-00	A1	Alfred, Catherine	Acc. Building	5/28/2020
LD-2020-06	N/A	28-13-016-004-03	RC	Denham, Linda - Benak	Land Division	6/4/2020
2020-17	000708	28-13-103-018-01	R1	Bostelaar, Robert and Elain	Acc. Building	6/11/2020
2020-18	000709	28-13-104-012-01	A1	Navarez, Jordan and Jenna	New Dwelling*	6/11/2020
2020-19	000710	28-13-122-022-35	A1	Muoio, Pasquale and Eliz.	Acc. Building	6/18/2020
2020-20	000711	28-13-870-002-00	C1	G.T. Creative - Roach, Rob	Acc. Building & Use	6/18/2020
2020-21	000712	28-13-750-026-00	R1	Dube, Don - Rapid River	Acc. Bldg. Recon.	6/25/2020
2020-22	000713	28-13-009-015-04	RC	Strine, Mark and Lisa	Acc. Building	7/2/2020
2020-23	000714	28-13-800-032-00	R1	Victor, Calleja	New Dwelling*	7/9/2020
2020-24	000715	28-13-123-016-20	R1	Gold, Richard and Alice	Acc. Building	7/16/2020
2020-25	000716	28-13-122-011-00	A1	Alfred, Catherine	New Dwelling	7/16/2020
2020-26	000717	28-13-134-003-12	A1	Bossardet, Phillip	AG Building	7/23/2020
2020-27	000718	28-13-133-018-00	V	Davidson, Becky and Richard	Deck Replacement	7/30/2020
2020-28	000719	28-13-124-002-02	R1	Belanger, Michael	New Dwelling*	7/30/2020
2020-29	000720	28-13-113-002-00	R1	McJoint, Amy and Thomas	New Dwelling*	7/30/2020
LD-2020-07	N/A	28-13-031-002-01	RC	Mann, Randall	Land Division	7/23/2020
2020-30	000721	28-13-611-005-00	R2	Habitat For Humanity	New Dwelling*	7/30/2020
2020-31	000722	28-13-010-005-10	RC	Stratton, Jerry and Kathy	Acc. Building	8/13/2020
2020-32	000723	28-13-032-002-03	RC	Litrun, David and Stephanie	Acc. Structure	8/13/2020
2020-33	000724	28-13-134-009-10	R1	Savage, Mike	Acc. Build. Add.	8/20/2020
2020-34	000725	28-13-031-006-05	RC	Delong, Lynn - Trust	Acc. Bldg. Add.	8/20/2020
LD-2020-08	N/A	28-13-104-001-08	R1	Dean, Susan	Land Division	9/3/2020
COMB-2020-09	N/A	28-13-104-001-05	R1	Dean, Tony	Lot Line Adjust	9/3/2020
2020-35	000726	28-13-830-012-00	R1	Darrow, Alex	Fence	9/10/2020
2020-36	000727	28-13-003-010-21	C1	Savage - Renne's Quilts	Special Event	9/10/2020
2020-37	000728	28-13-017-004-61	RC	Carter, Scott and Diane	Acc. Building	9/10/2020
2020-38	000729	28-13-109-021-10	A1	Merchant, Steve and Sadie	Two-Fam. & Acc.	9/10/2020
2020-39	000730	28-13-880-075-00	R1	Grahek, Joey	Chainlink Fencing	9/10/2020
2020-40	000731	28-13-133-017-10	R3	Whitewater Township	OTHER - OTHER	9/10/2020

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2020-41	000732	28-13-136-001-00	A1	DeBono, John and Janice	New Dwelling	10/15/2020
2020-42	000733	28-13-015-001-20	RC	Hubble, John	Porch/Deck	10/15/2020
2020-43	000734	28-13-115-001-00	R1	Am. Tower - Vzn. Wireless	Wireless Upgrade	10/15/2020
2020-44	000735	28-13-005-013-11	A1	Power Home Solar-Raddatz	Solar Array	10/15/2020
2020-45	000736	28-13-750-032-00	R1	Varley, Larry - Reid-John	Accessory Bld. Add.	10/15/2020
2020-46	000737	28-13-104-001-00	R1	Ghilani, Patrick	DEMO	10/15/2020
2020-47	000738	28-13-800-043-00	R1	Morrison, Jeff and Kathy	New Dwelling*	10/29/2020
2020-48	000739	28-13-127-014-02	A1	Nagy, justin	Accessory Building	10/29/2020
2020-49	000740	28-13-310-013-00	R1	Romanelli, Gary and Helene	Structural Alt.	11/5/2020
2020-50	000741	28-13-350-011-00	R1	Steffes, Bob and Krista	DEMO	11/12/2020
2020-51	000742	28-13-350-011-00	R1	Steffes, Bob and Krista	New Dwelling*	11/12/2020
2020-52	000743	28-13-750-017-00	R1	Pathway Homes / Kallis	Accessory Building	11/12/2020
2020-53	000744	28-13-103-015-01	R1	Pathway Homes /Delancy	New Dwelling*	12/10/2020
2020-54	000745	28-13-010-004-22	RC	Power Home Solar-Andersen	Solar Array	12/21/2020
2020-55	000746	28-13-125-004-00	R1	Gallagher / Midlake Bldrs	Res. Addition	12/28/2020

The above is a 'snip' – below is a sample copy of all information recorded by the ZA

41	2020-30	000721	28-13-611-005-00	R2	Habitat For Humanity	New Dwelling*	7/30/2020	\$75.00	022322	Streamview Lane	*Attached Garage
42	2020-31	000722	28-13-010-005-10	RC	Stratton, Jerry and Kathy	Acc. Building	8/13/2020	\$50.00	022323	4389 N. Broomhead Road	Detached Accessory
43	2020-32	000723	28-13-032-002-03	RC	Litrun, David and Stephanie	Acc. Structure	8/13/2020	\$25.00	022324	7433 Supply Road	DECK
44	2020-33	000724	28-13-134-009-10	R1	Savage, Mike	Acc. Bldg. Add.	8/20/2020	\$50.00	022325	9765 Old M-72	Accessory Addition

Training

Respectfully submitted,

Robert Hall

Robert (Bob) Hall

January 29, 2021

Township Law

Category

Year in Review: 2020 Zoning and Planning Court Decisions

Every year Michigan courts decide cases involving zoning and planning. 2020 was no different with several interesting cases deciding important zoning and planning concepts. Not all of these decisions created new law, but highlight important zoning and planning concepts that Townships deal with daily. This month's E-Letter specifically highlights zoning and planning decisions related to medical marihuana licensing and regulation, residents' ability to appeal zoning decisions of the Township, and limitations on expanding nonconforming buildings and uses.

A Post-*DeRuiter* Application of Locational Restrictions on Primary Caregivers

As 2020 squeaked to a close, the Michigan Court of Appeals issued another case regarding medical marihuana caregivers. The decision strengthens Township zoning provisions regulating primary caregivers. This use has continued to expand despite early industry impressions that the expansion of commercial medical and adult-use marihuana would reduce interest in caregiver operations. Instead, many communities continue to see expanding networks of caregiver operations. Many reasons for this development exist and vary across municipalities. Namely, investment costs and regulatory oversight of commercial operations seem to have reduced or slowed a complete transition to a commercial marihuana market in the State.

The continued use of caregiver operations has highlighted conflicts between the Michigan Medical Marihuana Act ("MMMA") and The Michigan Zoning Enabling Act ("MZEa"). Although early legal battles resulted in decisions favoring preemption of local controls on MMMA activities, in the last 9 months the tide has shifted towards local zoning control of caregiver operations.

examine the extent to which the MMA preempts local zoning controls. This issue came to a head in the 2018 case *DeRuiter v Byron Twp*, 325 Mich App 275 (2018), where the Court of Appeals ruled that a zoning ordinance could not impose any conditions or regulations on persons engaged in the MMA-compliant use of marihuana. But in 2020, the Supreme Court reversed this decision, confirming that

9.26 MEDICAL MARIHUANA DISPENSARY

9.26.1 STATEMENT OF INTENT:

The purpose of a Medical Marihuana Dispensary is to allow an establishment or place of business to undertake the following "Medical uses" of Medical Marihuana on the property: acquisition, possession, delivery or transfer of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical conditions or symptoms associated with the debilitating medical condition under the Medical Marihuana Act. Acme Township desires to allow all legal businesses to operate in the Township, but recognizes the need to zone for all uses to protect the health, safety and welfare of the general public. A Medical Marihuana Dispensary must satisfy the general standards in Section 9.1, the specific requirements of this Section, and all other requirements of the Acme Township Zoning Ordinance.

9.26.2 REQUIRED STANDARDS:

- a. ~~The acquisition, possession, delivery or transfer of Medical Marihuana or paraphernalia shall comply at all times with the Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as amended.~~
- b. ~~The transfer of Medical Marihuana shall be only allowed to a Qualifying Patient by his or her Registered Primary Caregiver or by another Qualifying Patient as allowed by the Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as amended.~~
- c. ~~A Medical Marihuana Dispensary shall not operate between the hours of 8:00 p.m. and 8:00 a.m.~~
- d. ~~Except for parents or guardians of a Qualifying Patient who is under the age of eighteen (18) and the Owner or staff of the facility, persons other than a Qualifying Patient or Primary Caregiver shall not be permitted within the facility when Medical Marihuana is being transferred.~~
- e. ~~A Medical Marihuana Dispensary shall not be owned or operated by, or employ, a person that has been convicted of a felony involving controlled substances.~~
- f. ~~No use by way of smoking, ingestion, consumption, or any other method of taking Medical Marihuana into the body shall occur at a Medical Marihuana Dispensary.~~
- g. ~~No person under the age of 18 shall be permitted into a Medical Marihuana Dispensary at any time unless that person is a Qualifying Patient and is accompanied by that person's parent or guardian.~~
- h. ~~Medical Marihuana Dispensaries shall be considered a Retail store for purposes of determining Off Street Parking and Loading requirements under the Zoning Ordinance.~~
- i. ~~A Medical Marihuana Dispensary shall not be located within a 500 foot radius of another existing Medical Marihuana Dispensary or Medical Marihuana Cultivation Operation.~~

1. ~~For purposes of measuring the 500 foot radius in this section, the measurement shall be taken from the nearest point on the building where the existing Medical Marihuana Dispensary or Medical Marihuana Cultivation Operation exists to the nearest point on the building where the proposed Medical Marihuana Dispensary is proposed.~~
 2. ~~Exception shall be made when the operator of a Medical Marihuana Dispensary is also approved to operate a Medical Marihuana Cultivation Operation on the same parcel as granted through a Special Use Permit.~~
- j. ~~A Medical Marihuana Dispensary shall not be located within a 1,000 foot radius of any existing public or private elementary, vocational, or secondary school, or a public or private college, junior college, or university, or a library, or a playground or park, or a public or private youth recreation facility.~~
1. ~~For purposes of this section the term “library” means a library that is established by the state; a county, city, township, village, school district, or other local unit of government or authority or combination of local units of government and authorities; a community college district; a college or university; or any private library open to the public.~~
 2. ~~For purposes of this section the term “playground” means any outdoor facility (including any parking lot appurtenant thereto) intended for recreation, open to the public, and with any portion thereof containing three or more separate apparatus intended for the recreation of children including, but not limited to, sliding boards, swing sets, and teeterboards.~~
 3. ~~For purposes of this section the term “park” means any land or facility of any size or shape, including but not limited to linear ways, road ends, and submerged lands, that are open to the public and used for recreation or held for future recreational use.~~
 4. ~~For purposes of measuring the 1,000 foot radius in this section, the measurement shall be taken from the nearest property line of the existing public or private elementary, vocational, or secondary school, or public or private college, junior college, or university, library, or playground or park, or a public or private youth recreation facility to the nearest point on the building where the proposed Medical Marihuana Dispensary is proposed.~~
- k. ~~The planting, growing, harvesting, processing and packaging of Medical Marihuana shall not be allowed on the parcel unless approved through a Special Use Permit and pursuant to Section 9.1 and Section 9.27~~

~~SECTION 9.26 ADDED BY AMENDMENT 013 ADOPTED 08/02/11 EFFECTIVE 08/13/11. AMENDED BY AMENDMENT 036. ADOPTED 01/05/16. EFFECTIVE 01/24/16~~

~~SECTION 9.26 DELETED BY AMENDMENT 045. ADOPTED 10/03/17. EFFECTIVE 12/01/17.~~

9.27 MEDICAL MARIHUANA CULTIVATION OPERATION

9.27.1 STATEMENT OF INTENT

The purpose of a Medical Marihuana Cultivation Operation is to allow an establishment or place of business to undertake the following “Medical uses” of Medical Marihuana on the property: planting, growing, harvesting, processing, packaging or storing of Medical Marihuana to treat or alleviate a registered Qualifying Patient’s debilitating medical conditions or symptoms associated with the debilitating medical condition under the Medical Marihuana Act. Acme Township desires to allow all legal businesses to operate in the Township, but recognizes the need to zone for all uses to protect the health, safety and welfare of the general public. A Medical Marihuana Cultivation Operation must satisfy the general standards of Section 9.1, the specific requirements of this Section, and all other requirements of the Acme Township Zoning Ordinance.

9.27.1 REQUIRED STANDARDS

- a. ~~The planting, growing, harvesting, processing, packaging or storing of Medical Maihuana shall comply at all times with the Medial Marihuana Act and the General Rules of the Michigan Department of Community Health.~~
- b. ~~The cultivation of Medical Marihuana shall be only allowed by a Primary Caregiver for the Qualifying Patients registered under their care.~~
- c. ~~Medical Marihuana Cultivation Operations shall be limited to growing a maximum of sixty (60) Medical Marihuana plants for Qualifying Patients. The number of Medical Marihuana plants shall increase to seventy two (72) if the Primary Caregiver operating the Medical Marihuana Cultivation Operation is also a Qualifying Patient.~~
- d. ~~Except for the Owner of the property, persons other than the Primary Caregiver shall not be permitted within the Operation when Medical Marihuana is being cultivated, harvested, processed, packaged or stored.~~
- e. ~~No person under the age of eighteen (18) shall be permitted into a Medical Marihuana Cultivation Operation at any time.~~
- f. ~~A Medical Marihuana Cultivation Operation shall not be owned or operated by, or employ, a person that has been convicted of a felony involving controlled substances.~~
- g. ~~No use by way of smoking, ingestion, consumption, or any other mehtod of taking Medical Marihuana into the body shall occur at a Medial Marihuana Cultivation Operation.~~
- h. ~~No more than one (1) Primary Caregiver shall op0erate a Medical Marihuana Cultivation Operation on any one (1) parcel.~~
- i. ~~The cultivation of Medical Marihuana shall only be permitted inside a structure not visible from the outside that shall be at all times secured and locked, and shall be accessible only by the Primary Caregiver and Owner or the Property.~~

- j. ~~Lighting utilized for cultivating Medical Marihuana shall not be visible from the exterior of the building.~~
- k. ~~No equipment or process shall be used in which creates noise, dust, vibration, glare, fumes, odors or electrical interference detectable to the normal senses beyond the parcel boundary.~~
- l. ~~A waste disposal plan shall be included with all applications for an operation detailing plans for chemical disposal and plans for Medical Marihuana plant disposal. Under no instance shall the incineration of Medical Marihuana plant materials be allowed on the parcel.~~
- m. ~~A Medical Marihuana Cultivation Operation shall be considered an industrial or manufacturing use for purposes of determining Off-Street Parking and Loading requirements under the Zoning Ordinance.~~
- n. ~~A Medical Marihuana Cultivation Operation shall not be located within a 500 foot radius of another existing Medical Marihuana Cultivation Operation or Medical Marihuana Dispensary.~~
 - 1. ~~For purposes of measuring the 500 foot radius in this section, the measurement shall be taken from the nearest point on the building where the existing Medical Marihuana Cultivation Operation or Medical Marihuana Dispensary exists to the nearest point on the building where the proposed Medical Marihuana Cultivation Operation is proposed.~~
 - 2. ~~Exception shall be made when the operator of a Medical Marihuana Cultivation Operation is also approved to operate a Medical Marihuana Dispensary on the same parcel as granted through a Special Use Permit.~~
- o. ~~A Medical Marihuana Cultivation Operation shall not be located within a 1,000 foot radius of any existing public or private elementary, vocational, or secondary school, or a public or private college, junior college, or university, or a library, or a playground or park, or a public or private youth recreational facility.~~
 - 1. ~~For purposes of this section the term "library" means a library that is established by the state; a county, city, township, village, school district, or other local unit of government or authority or combination of local units of government and authorities; a community college district; a college or university; or any private library open to the public.~~

2. ~~For purposes of this section the term "playground" means any outdoor facility (including any parking lot appurtenant thereto) intended for recreation, open to the public, and with any portion thereof containing three or more separate apparatus intended for the recreation of children including, but not limited to, sliding boards, swing set, and teeterboards.~~
3. ~~For purposes of this section the term "park" means any land or facility of any size or shape, including but not limited to linear ways, road ends, and submerged lands, that are open to the public and used for recreation or held for future recreational use.~~
4. ~~For purposes of measuring the 1,000 foot radius in this section, the measurement shall be taken from the nearest property line of the existing public or private elementary, vocational, or secondary school, or public park or private college, junior college, or university, or a library or a playground or park, or a public or private youth recreational facility to the nearest point on the building where the proposed Medical Marihuana Cultivation Operation is proposed.~~
- p. ~~The acquisition, possession, delivery, or transfer of Medical Marihuana or paraphernalia shall not be allowed on the parcel unless approved through a Special Use Permit and pursuant to Section 9.1 and Section 9.26.~~

~~SECTION 9.27 ADDED BY AMENDMENT 036. ADOPTED 01/05/16. EFFECTIVE 01/24/16~~

SECTION 9.27 DELETED BY AMENDMENT 045. ADOPTED 10/03/17. EFFECTIVE 12/01/17.