

REVISED
WHITEWATER TOWNSHIP PLANNING COMMISSION
MINUTES FOR REGULAR MEETING
February 7, 2018

Call to Order at 7:00 p.m.

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

Absent: Render

Also in attendance: Recording Secretary MacLean + 11 in audience

Set / Adjust Agenda: Set

Declaration of Conflict of Interest: Mangus will be recusing herself as Chair during the Whitewater Pines Site Condo

Public Comment: None

Kim Mangus removed herself from the PC table to the audience at 7:03.

Public Hearing: Whitewater Pines Site Condominium – Conducted by Vice Chair, Mickey Dean, on SUP 2018-001, parcel id: 28-13-003-007-00, Steve and Kim Mangus, 1214 Cerro Dr., Traverse City, Michigan.

- a. Open public hearing at 7:03 p.m.
- b. Attendance sheet. Please sign in.
- c. Date of publication – January 19, 2018, in the Traverse City Record Eagle
- d. Purpose: Whitewater Pines Site Condominium plan for approval of 28 sites at Broomhead and Deal.
- e. Presentations - Zoning Administrator, Habedank: The Manguses are proposing a 28 unit condominium development. Previous owners were approved to develop as 21, only changes in the new plan is the addition of 7 units. All lots meet the size regulations. Believe it meets the goals of the Master Plan.
- f. Written comments: As of 2-1-18 there were no written comments, 3 phone calls, reading into the record (attached to these minutes).
- g. Public Comment:
 Against: Jane Kristak, 5474 Broomhead. Letter presented for inclusion in minutes.

Habedank recommends the Mangus' give a brief overview of the plan. Kim Mangus: It will be a site condo of 28 sites. We did not care for the way the previous owners had the lots laid out. We are asking for no variances, no special considerations, zoning changes. Lots will be mostly 1 to 1.5 acres. 28 lots on just over 40 acres.

Questions from the audience and Discussion:

Will there be duplexes? Steve Mangus: There could be. Lots will be sold and people will build their own homes. We may build some.

Question: So there could be a potential of 56 homes.

Is each lot to have its own well and septic? Yes.

Discussion of what a site condominium is. All homes will have to meet county and township building codes. Condo association is primarily for the maintenance of the roads and open areas.

Discussion: Concerned about the traffic on Broomhead. We are talking the potential of 128 vehicles.

Is a gate going to be put up at the emergency vehicle entrance? Steve Mangus: We will likely put up a gate.

Concern: Don't want it to end up being a bunch of run down duplexes.

Concern: Light nuisance, noise, nuisance, traffic nuisance.

Wintergreen Heights is a subdivision that is very similar.

There was a three row tree requirement as a buffer (at least on the road sides), which would partition off the subdivision. Is that going to be done? It will be up to the individual property owners.

Millbrook is a very different type of building development. Site condominium is much easier than a subdivision. This will be basically a subdivision.

According to the 2010 census growth is coming. Density is an issue. To tuck 28 homes in the township, couldn't find be a better place for it.

It is within the current zoning. Regarding the changes the PC is working on with the Zoning Ordinance, none of the changes to Ag1 or R2 had anything to do with this project. Most of the changes have been just "housekeeping" type changes.

Concern about the number of sites.

Having green areas, walking areas, common areas makes a development more appealing. Savage notes: Wintergreen Heights had a five acre park. No one wanted to do anything with it so it got sold and developed. If you don't want it sold and developed, you have to buy it yourself. How long will it take? It won't all be happening at once. It is likely a multi-decade project. Habedank: That area would be conceivably be 36 lots. The zoning has been in place since the 1970's. There will not be another public hearing.

Concerned about the traffic. Traffic light or round-a-bout at Broomhead/Cook and M72. The road commission is in charge of that.

Public Comment:

In Favor: Renee Savage, 9833 Pineneedle Lane, Williamsburg. Lives Wintergreen Heights and we have very little traffic problems getting out on M72. It is a really nice community. There are advantages. Natural Gas will get in there when more homes are in the area. I think it is a great idea and a plus for the community.

Public Comment:

Anyone wishing to comment who has not already commented: Are these going to be reasonably priced?

Steve Mangus: We are looking at affordable housing. Manguses can make restrictions on the homes. Lot prices are \$16,000 to \$17,000. Looking at homes probably \$175,000 to \$300,000. Manufactured homes are not like they used to be. No sites are pre-sold at this point. No time frame for starting sales.

h. Close public hearing at 7:50 p.m.

PC Discussion: That was a well rounded discussion.

Regarding a gate across the emergency entrance: If it is required or one goes in the fire department will have a key.

Construction vehicles will be allowed to use the north / emergency entrance.

The road commission has approved this.

Recommend a motion to forward to the Board's for approval.

Motion by Jacobson, second by Savage to send Whitewater Pines Site Condominium as presented to the Board for approval.

Discussion: When this was originally brought to the PC we made several change requests that they have made. Would like to preserve as many of the screening trees as possible. That would be part of the condominium requirements. Not as part of the site plan, just as a suggestion. Individual lot owners will make their own decisions. An arborist has been brought in for information and the health of the current trees. It is not usually in people's interest to remove the trees. People will have the right to build and develop their own property as the zoning ordinance allows.

Roll call vote: Dean-yes; Hooper-yes; Jacobson-yes; Lawson-yes; Mangus-yes (*Mangus did not vote*); Render-N/A; Savage-yes

Motion carried to send Whitewater Pines Site Condominium to the Board for approval.

Kim Mangus returned from the audience to the PC table at 8 p.m.

Approval of Minutes:

Motion to approve January 3, 2018, Regular Meeting Minutes by Dean, second by Hooper as corrected. All in favor. Motion carried.

Correspondence: None.

Reports: None

Zoning Administrator Report, Habedank: There is a House Bill 4503 and a Senate Bill 329 that takes seasonal rentals out of the hands of the townships. There is some real opposition on these by various groups.

Chair's Report, Mangus: An item that has come up that may or may not come before the commission. There is a proposed civil infraction ordinance. It is a complete change in how violations would be handled. Currently use a misdemeanor system when dealing with violations. Kim notes her opinion that a Municipal Civil Infraction Ordinance (MCIO) makes it more difficult for the residents and a little bit easier for the township. Public hearing scheduled for February 13, at the Board level. If it passes at the board level it will come to the PC. It will make substantial changes. It can be set up so the Zoning Administrator handles it. Habedank notes: It does not take a person's right to a hearing, formal or an informal hearing. 90% of the civil infractions end at the magistrate. Enforcement, the way it stands now, can be very expensive. Kim requests that the PC please get up to speed on this issue.

Township Board Rep., Lawson: Last regular board meeting the board approved several of the Amendments that have been presented to them. Regarding the MCIO, there has not been a rash of violators. Lawson feels it needs to come through the PC and the Board needs to slow down on it. There needs to be more due diligence by the Board members and

more information needs to be studied on this topic. This is typically something the PC would weigh in on and give an official PC opinion to the Board. Question: How many times has this township taken anyone to court? Very few. The township attorneys sent a (sample) ordinance but did not issue an opinion. Likely, sometime in this year there will be a decision made on this subject. It is a law enforcement ordinance. There are many things that need to be addressed in the zoning ordinance before a law enforcement ordinance goes into place.

ZBA Representative, Hooper: January 25, 2018, annual business meeting. Kept officers all the same and set the 2018/2019 meeting calendar.

Committee Reports: None.

Additional Items: None.

Old Business:

1. Accessory Dwelling Units (ADU) will move to Article 6. Discussion. Can look at percentage of property size, set backs, building size. Approval procedures, could be an SUP or a use by right? A land use permit is always necessary. Can be brought before the PC but would not have to be. Will stream-line and likely get more people to comply. Will bring this back again.
2. Article 5, Districts – Map support and interpretation - postpone

New Business:

1. 2018/2019 PC budget review. Consensus to send the proposed budget to the Board for the 2018/2019 year.
2. Article 10, Ag – 1st review - postpone
3. Article 37, Animals – 1st review - postpone

Possible 2nd meeting February 21, at 6 p.m. Next Regular Meeting March 7, 2018.

Agenda for special meeting: Pick up on the items in this agenda that we didn't get to.

Public Comment: Karen MacKenzie, event barn discussion. Patiently waiting. Can you move event barns as part of Ag to the beginning of the Ag discussion? By the end of March we will be addressing the supplemental items of the Ag district.

Steve Mangus: 1214 Cerro, Traverse City. Regarding the Municipal Civil Infraction Ordinance (MCIO): I have lived through some political battles in this township in the past. The question of implementing this needs to be addressed by the whole community for their input. Need to get the community to "buy in".

Soil erosion and other areas have to be approved every so many years. You can question the county and the state decisions.

Commission Discussion/Comments: None

Continuing Education: None.

Adjournment: 9:16 p.m.

Respectfully Submitted
Lois MacLean,
Recording Secretary