

WHITEWATER TOWNSHIP PLANNING COMMISSION
MINUTES OF SPECIAL MEETING
March 02, 2022

Call to Order at 7:01 p.m.

Roll Call: In person: Darrow, Jacobson, Keaton, Mangus, Wroubel

Absent: Dean

Unfilled seat: Township Board Representative

Also in attendance: Zoning Administrator Hall via Zoom and Recording Secretary MacLean

Set / Adjust Agenda: Move New Business items in front of Unfinished Business items.

Declaration of Conflict of Interest: None.

Public Comment:

Connie Hymore, 6761 Baggs Rd., opposes the condominium development being reviewed on Baggs Rd.

Vicky Beam, 6847 Baggs Rd., opposes the site condominium project being proposed.

Jacob Foster, 11811 M72, opposes the site condominium project being proposed.

Stacy VanWasshnova, 7400 Hoyles Dr., opposition to the site condominium project being reviewed.

Nikki, 7999 Baggs Rd., opposes the site condominium project being reviewed.

Amy Haskell, 6699 Baggs Rd., opposes the site condominium project being reviewed.

Claire Williams, 7867 Hoyles Dr., regarding the Baggs Rd. project, will there be short term rentals (STR)? Mangus notes that Whitewater Township has no STR zoning.

Public Hearing:

Open Public hearing Case #2022-01-SLUP, Site Plan and Special Use Permit at 7:19 p.m.

Parcel # 28-13-004-001-20, 8976 E M-72, Williamsburg, Michigan, 49690, zoned Commercial.

Send Brothers Property, LLC, authorized the applicant, Paige Fowler, and her agent, Bill Crain of Crain Engineering, LLC to submit the application for a change of use – special use. Requested special use is a veterinary clinic as listed in Article VIII, Section 8.11.L as a use permitted by special use permit.

Required notice of public hearing was posted in the Traverse City Record Eagle on February 13, 2022. Required notices were sent out to all property owners within 300' on February 10, 2022.

Staff report, Zoning Administrator presentation: Staff report included in the packet. Topographical survey may be waived by the PC since it is a property already in use.

Staff recommends that the requested special use be approved.

Applicant / Agent presentation: Bill Crain, representing the applicant, the change of use from Sends Feed to Williamsburg Vet Hospital. Minimum changes on the exterior. We are proposing additional trees to meet current landscaping requirements. We have Health Department approval. MDOT has approved drive/entrance. We will be making improvements to the parking lot, including striping, lighting for security and sidewalks to be added. Will be modifying the interior to meet the needs of a veterinary clinic.

Correspondence: None received

Public comment in favor: None

Public comment opposed: None

Public comment, anyone who has not yet spoken: Via zoom: In our rural area a vet clinic is a wonderful addition to the community.

Close public hearing at 7:29 p.m.

Approval of Minutes:

MOTION by Jacobson, second by Darrow to approve February 4, 2022, meeting minutes.

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

Correspondence: (Included in packet) MRA information, regarding state application process and instructions for marijuana related businesses.

Reports:

Zoning Administrator Report, Hall: There is development pressure in Whitewater Township. Very important to engage the public during the Master Plan review process. Permit activity is slow at this time of year. Continue to have multiple inquiries along the M72 corridor.

Chair's Report, Mangus: Welcome Al Keaton, first meeting to join us – thank you.

Township Board Representative, vacant: None assigned

ZBA Representative, Wroubel: No cases in February.

Committee Reports: None.

Additional Items: None.

New Business before the Unfinished Business (see below)

Unfinished Business:

1. Special meeting, March 11, 2022, 7 p.m., with or without Mr. Grobbel: Master Plan: Go through and present to Grobbel as a group. Want it to be worded in a way we can explain to the public when questions arise. Mean what we say, say what we mean. (Mr. Grobbel will be available on the 11th)

2. Bylaws yearly review: Wording regarding the PC member to the ZBA selection process. Regarding PC membership categories to be included / represented: Change littoral to water front. Conflict of interest. Rule of necessity. If it inhibits the functionality of the commission the conflict is over written. Specify the exception in the bylaws – section 6, add line number 4, these guidelines shall be superceded when the “rule of necessity” is invoked.

Approve with changes as proposed.

MOTION by Keaton, second by Jacobson to approve the bylaw changes as discussed.

Roll call vote: Keaton-yes; Mangus-yes; Wroubel-yes; Darrow-yes; Dean-NA; Jacobson-yes. Motion carried.

3. Election of officers: Dean is not up for Vice Chair at this time. Description of position duties.

Jacobson nominates Mangus as Chair – Mangus accepts nomination.

MOTION by Jacobson, second by Wroubel, for Mangus to continue as Chair.

Roll call vote: Mangus-yes; Wroubel-yes; Darrow-yes; Dean-NA; Jacobson-yes; Keaton-yes. Motion carried.

Keaton nominates Jacobson as Vice Chair. Jacobson accepts.

MOTION by Keaton, second by Darrow, for Jacobson as Vice Chair.

Roll call vote: Wroubel-yes; Darrow-yes; Dean-NA; Jacobson-yes; Keaton-yes; Mangus-yes. Motion carried.

Wroubel nominates Keaton as Secretary, Keaton accepts.

MOTION by Wroubel, second by Darrow for Keaton as Secretary

Roll call vote: Darrow-yes; Dean-NA; Jacobson-yes; Keaton-yes; Mangus-yes. Wroubel-yes. Motion carried.

4. Article 25, Special Use Permits guidelines. Discussion: The Board did not put the requested moratorium in. Explanation: Site Plan review and Special Use permit in our zoning ordinance are mixed. Site plan review is pretty clear cut. Special use permits are much more extensive / complicated with discretionary options. Does it match with the Master Plan, etc. Special Use and Site Plan review standards are vital. Step through the draft provided by Mr. Grobbel. Numbering will have to be adjusted to coincide with the rest of the ordinance.

Discussion: Consensus to remove the word Treasurer at the bottom of page one.

Page two okay.

Page three, detailed site plan as specified . . . include “unless waived or determined to be unnecessary by the PC”.

Utility providers (adjust the number and lettering throughout). Utility providers “as required” or “when deemed necessary”.

Page four and five are okay.

Page six: Special use: Zoning Administration approval with guidance. Clarity on who is the township

representative. Mutual agreement – minor changes may be approved by the ZA, major changes or those out of the scope of the ZA’s authority shall be referred to the PC. Shall be signed by the ZA and the applicant.

Page seven okay,

Page eight: revocation: verbiage change, in writing for paper trail.

Page nine okay.

Send to Grobbel for final touches. Make adjustments at the meeting if necessary.

MOTION by Jacobson, second by Keaton, to bring Article 25, Special Use Permits guidelines to a public hearing at the next regular meeting on April 6, 2022, with the proposed changes.

Roll call vote: Mangus-yes; Wroubel-yes; Darrow-yes; Dean-NA; Jacobson-yes; Keaton-yes. Motion carried. (Public hearing notice needs to go out by the 20th, information to the Clerk as soon as possible.)

5. Article 12, Setbacks and corresponding recommendations. Postpone discussion to next meeting. Please review before the next meeting. Density per acre, campground and apartments. Apartments are allowed, campgrounds are allowed. Cluster development, overall density. Apartments have not been needed to be addressed previously. People can request a zoning change and / or request PUD.
6. Marihuana proposed Zoning Ordinance Amendment #79, Medical. Postpone to April meeting. Will have the proposed draft.

New Business:

1. Public Hearing, Special Use Permit, Veterinary Clinic, Case #2022-01-SLUP, Site Plan and Special Use Permit. Discussion of appeal: It will be a small animal only clinic. We may come back for potential growth. No boarding or grooming. Monday-Friday. Basic pet care and surgeries. No overnight stays. If animals require overnight care the clinic is partnering with Bay Area Hospital (BAH) where they will be taken if necessary. BAH has 24 hour care available. Specific bio-hazard waste will be handled via a pickup service. Looks like a good fit for the property and good for the community. Will be nice to have a local vet. Good fit for the community with minimal change. The proximity to the road will make it extremely not likely to have escaped animals make it to the highway. There will be direct entrance doors to exam rooms. Vestibule will be an additional area to corral running animals. Existing sign will be used and updated. Zoning Administrator findings of fact stated in the ZA staff report are specifically regarding the site plan, not the special use. 1.) Property is located in the C1-Commercial zoning district of Whitewater Township. 2.) Veterinary clinics, veterinary hospitals and related kennel facilities are listed as special uses in the C1- Commercial zoning district. 3.) Article XXV, Section 25.18 of the Whitewater Township Zoning Ordinance does not allow the Zoning Administrator review for a "special" use. 4.) There is no "minimum" lot size listed for a lot/parcel located in the Commercial zoning district. 5.) The maximum lot width to depth ratio of 4:1 is not exceeded. 6.) This is (more or less) a change of use. 7.) The proposed use is in accordance to the general health, safety and welfare of the community.

Planning Commission Findings of Fact:

- 1.) Whereas Williamsburg Veterinary Hospital (WVH) meets all requirements of the Whitewater Township zoning ordinance.
 - 2.) Whereas, this facility is supported by the Master Plan in that it is compatible with the surrounding businesses and this community.
 - 3.) Whereas this facility is supported by the Master Plan in that it supports the compact nature of the commercial district.
 - 4.) Whereas this facility is in keeping with the rural character.
- Additional provision: No topographical survey needed as there are no alterations to the topography of the property or parking lot. PC feels the need for the survey is not warranted. There will be additional trees added along M72.

Decision: Approve the facility as proposed.

MOTION by Keaton, second by Wroubel to approve Case #2022-01-SLUP to allow the special use as allowed in Article 8.11.L, veterinary clinics, veterinary hospitals and related kennel facilities, based on the stated findings of fact.

Roll Call vote: Darrow-yes; Jacobson-yes; Keaton-yes; Mangus-yes; Wroubel-yes; Dean-NA. Motion carried.

2. Preliminary Site Plan Review – Equine Veterinary Clinic. This will require a public hearing in the future. No one is available. Will postpone until such time that the applicant can be here or they can work with the ZA and go directly to public hearing.

3. Preliminary Site Plan Review – Site Condo: Hall: The Planning Commission has a tough job balancing property rights and zoning. We are here because the Zoning Ordinance says we need to be here. You will notice site condominiums are permitted in all zoning districts as basic property rights.
- Mansfield Land Use Consultants – Doug Mansfield. On approximately 30 acres they are proposing 22 units/parcels for single family homes. It will be serviced by a private road off Baggs Road. Each site will have its own well and septic. We wanted to let you know what is going on while testing and work is being done. There will be a condo association, bylaws, etc.
- Being addressed: soil analysis is being done, drainage basin, ponds, storm water permit, health department, soil erosion, etc., will all be done and brought forth before the public hearing for your review.
- Mangus recommends early discussions with the fire chief? Encourage you to contact Chief Flynn.
- Is there a concern that there are currently lots and parcels available in the township already? No.
- Green space? There will be no common elements.
- Is there going to be a buffer zone? Going to maintain the character of the area.
- Please contact Bob Hall if there are any concerns.
- Mangus notes that everyone wants the most use of their land. Everyone around you wants you to not make the most use of your land. If you want to control the property next to you, buy it.
- Recommend the sales pitch includes notification that the property is in the AG district.
- Large lots, beautiful homes across Baggs Road.
- Balancing act between number of lots and the monies it cost to create roads and supply electric and utilities.
- Is anyone considering our Master Plan? Is this allowed by our Master Plan? The Master Plan is a guide, the Zoning Ordinance is the law and the ZO allows for site condominiums.
- There is a lot of confusion when the word condo is used. Site condo is more like a subdivision – residential community with single family homes.
- Does the plan meet the law of the zoning ordinance?
- Will there be another road required by the fire department?
- Reminder that site condo is not a special use. There is a lot that needs to be done and we would be highly amazed if we would see a public hearing.
- Recommend the PC set an escrow fee amount.

Developer just wanted to let everyone know what is going on and will be back with the completed information.

MOTION by Jacobson, second by Darrow to set a preliminary escrow fee of \$2,500 to be held for, what we will call, the Baggs Road site condo project.

Roll Call vote: Jacobson-yes; Keaton-yes; Mangus-yes; Wroubel-yes; Dean-NA; Darrow-yes. Motion carried.

Although it is not a special use, the Planning Commission will hold a public hearing to make a recommendation to the Board. The Board has the final say.

Hall notes that the land division was a part of the Morrison Orchard and exceeded the width to depth ratio.

Next Regular Meeting is scheduled for April 6, 2022.

Special meeting Friday, March 11, 2022, 7 p.m., Master Plan review.

Next meeting agenda: Article 25 Public Hearing; Article 12, Setbacks and density; MP review; Marihuana ordinances.

Public Comment:

Kate Lett, 7711 Hoyles Drive – disapprove of the proposed subdivision, concerned about the traffic, noise and light.

Commenter: Do the Master Plan goals match up with the project? Reading through part of the Master Plan. Oppose the proposed Baggs Road site plan.

Mangus notes that the Master Plan is a guide. The law is the zoning ordinance. No public hearing is scheduled. Notice will be sent to people who are within 300' of the proposed project when a public hearing is scheduled.

Wroubel – if it does not meet our MP it is not allowed.

Commenter: Opposed to the Baggs Road site plan. Master Plan, rural nature, etc. We do things the right way, keeping it rural. Running water / drainage impact.

Write to the developer, speak with the Zoning Administrator.

Encourage you to contact the developer via the zoning administrator with your concerns.

Commenter: Mr. Copeland said he has a concern about the traffic issue on M72 in regards to the proposed Baggs Road site plan.

Commission Discussion: Bob: great meeting. Site plan review and special uses training.

Mark your calendars for Wednesday, April 20, 5:30 – 8. Wexford county road commission building for specific training on all things site plan review and special uses.

March 10, 1 p.m. webinar regarding short term rentals.

March 22, 12-1, attorney client privilege webinar. Contact the Clerk.

Continuing Education: Year in Review.

Adjournment: 9:57 p.m.

Respectfully Submitted
Lois MacLean,
Recording Secretary