

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

Call to Order at 7:00 p.m.

Roll Call: Via Zoom: Mangus in East Bay Twp, MI; Dean in Williamsburg, MI; Wroubel in Williamsburg, MI
In person: Jacobson

No Board Representative or ZBA Representative available

Also in attendance: Recording Secretary MacLean

Set / Adjust Agenda: Address New Business before Old Business

Declaration of Conflict of Interest: None.

Public Comment: Michael Corcoran, represents Northpoint Farms, appreciate your work on the marihuana ordinance. Requesting a special meeting be held as allowed by the Township zoning ordinance. The ordinance was passed in November, took effect in December and the client would like to move forward on this.

Public Hearing a:

Site Plan Review and Special Land Use Review – Commercial Campground in the RC-Recreational zoning district as listed in Article XI, Section 11.11.B. Parcel #28-13-008-003-01, 4575 Moore Rd., Williamsburg, Michigan.

Request to operate a Commercial Campground subject to Article XXV, Section 25.21.D. Article XI, Section 11.11.B lists Commercial Campgrounds as a use permitted by special use permit subject to site plan review.

Applicant/owner: Robert Evina, 546 M-72 SE, Kalkaska, Michigan.

Agent: Mansfield Land Use Consultants, PO Box 4015, Traverse City, Michigan

Published in the Traverse City Record Eagle February 14, 2021.

Notices sent out to property owners within 300' of property.

Open public hearing at 7:09 p.m.

Presentations: Zoning Administrator, Hall: Staff report included in packet. It follows chronological order of the process. They are in the appropriate zoning district. Standards are included in the packet along with ZA comments. Recommend that the PC approve after deliberation.

Received several emails: Kim: Reading of comments received:

Letter in support - Shirley and Rick Palatte (sp).

Letter in support Kim and Deane Elliott.

Letter in opposition to campground, Brenda Irish Heintzelman. Current driveway and buildings need to be addressed.

Letter in support, project brings people in and then they leave, small footprint. John Hinkle.

Letter in support, best way to preserve property, small footprint. Becky Barker.

Hall: received a couple emails in response to the public hearing notice.

Mansfield presentation: Doug Mansfield: started working on this project in 2019. Property zoned RC that provides for campgrounds. The state regulates and licenses campgrounds. Has a lot of state and other open land around it. Moore Road is a public road. There are wetlands with a valley and a pond and woods. Good soils for septic systems. There will be a contact station for busy times. There will be 40 sites on 74 acres. The campground is not going to be a normal campground. We have created a different experience for clientele. The township fire chief has made his recommendation and finds it suits the needs for emergency service access. The campground will run May to October only. Owner info will be available in case of a nuisance. No ATVs will be allowed to run on the property, no fireworks allowed. The state calls for a 10 o'clock quiet time. Several years ago small cottages were put up as a private/family campground. Worked out a declaration of deed restrictions to address the private campground with the township zoning department. This is a good use of the property. Look forward to working with the various agencies and answering any questions.

Public Speaking in favor of proposed site plan: None.

Public Speaking in Opposition to proposed site plan: Brenda Irish Heintzelman, 4074 Moore Rd., Williamsburg:

Speaking on my own behalf and on behalf of my father, who live right across the road. We contacted the township a few years ago about building a second home. We were told this is a very low density area. We were talking about 2 homes on 39 acres. Here, we are talking about 40. We are hearing about benefits to the community. The only benefit I can see is to the land owner. I see no benefit to the neighbors. At what cost is this land owner going to be the only beneficiary? What

cost to wildlife? How close will the structures be to our home? How close will the campfires be? We did not build here to be near party central. Many of our neighbors are in FL currently. What investigation has been done on behalf of the neighbors who will likely lose value in their property? Who wants to be near a campground - answer no body.

Anyone wishing to speak on the proposed site plan who has not already commented: None
Close public hearing at 7:39 p.m.

Public Hearing b:

Site Plan Review and Special Land Use Review – Major Home Occupation in the A1- Agricultural zoning district as listed in Article VI, Section 1.10.G. Parcel #28-13-109-010-00, 10937 Elk Lake Rd., Williamsburg, Michigan.
Request to operate a Major Home Occupation in an Accessory Building as a special land use subject to site plan review subject to provision in Article XXV, Section 25.22.C.

Applicant: Paul and Susan Hubbell, 10937 Elk Lake Rd., Williamsburg, Michigan

Applicant: Steve and Sadie Merchant, 10114 Elk Lake Rd., Williamsburg, Michigan

Published in the Traverse City Record Eagle February 14, 2021.

Notices sent out to property owners within 300' of property.

Comments received: None

Open public hearing at 7:40 p.m.

Presentations: Hall: Staff report included in packet. Received one call regarding basic information. Please pay particular attention to the staff report. Major Home Occupations require a Special Land Use. Recommend approval based on sound, substantiated decisions.

Merchant, Sadie and Steve: Reading through of application information. Encouraging people to shop local and promoting agri-tourism. Small farmers adapting to current life situations. Preserve farmland. After discussion with the zoning administrator we would like the flexibility to be open seven days a week and more flexible hours. We will need to discuss signs, permanent and temporary.

Mangus received some general phone calls with no leanings for or against.

Public Speaking in favor of proposed site plan: None.

Public Speaking in Opposition to proposed site plan: None

Anyone wishing to speak on the proposed site plan who has not already commented: None

Close public hearing at 7:48 p.m.

Approval of Minutes:

MOTION by Dean, second by Jacobson to approve February 3, 2021, Meeting Minutes.

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

Correspondence: None

Reports:

Zoning Administrator Report, Hall: Annual report to township board, included in packet. Encourage training for ZBA, PC and Board. The one ZBA case in 2020 was not representative of a zoning issue in the township.

Chair's Report, Mangus: None.

Township Board Rep., Not Available

ZBA Representative,: Not Available

Committee Reports: None.

Additional Items: None.

New Business:

1. Site Plan Review and Special Land Use Review – Commercial Campground

Discussion of Appeal: There is currently an approved existing drive with a private campground. We had a preliminary review of this over a year ago.

Dean: Just for clarification, Evina was before the PC previously. Evina addressed the previous “issues” with the zoning department and had reached an agreement.

Dean: Agree to maintain a dust free condition on Moore Road? Mansfield-yes. Mansfield: we will hire a contractor company to do the brining, probably an extra minimum of two brinings and “as needed”.

Mangus: You have no jurisdiction over the road, you cannot regulate the speed limit but a mention in the campground rules would be nice. Possibly a departure sign.

Mangus: Any concerns on the time of the year, etc.?

Dean: Will be dealing with all of the appropriate entities such as GTCRC, health department, fire code for road design, soil erosion, state board, then township and state approvals.

Dean: Phase two looks like there will be a bridge across the creek. That will be engineered and built to code.

Mangus: Lack of clarity in the fire chief's report. Fire department review needs some clarification. Please communicate with the ZA. A quick glance through and a detail fire code review are two very different things.

Mangus: Day to day running of the campground. This is a high bear population area. Will you be making special accommodations to deal with bears? Mansfield: yes, and raccoons.

Mangus: Any time frame for phase two of the operation? Evina: We are hoping to be in phase two in 18 to 24 months. Mangus: Approvals are usually given with a specific time frame. Would three years be sufficient?

Jacobson: Run off water is mentioned in the packet. Mansfield: Soil erosion, storm water has to not leave the property. It will be part of the engineering that will be approved by the county and EGLE, if necessary.

Mangus: Yert deck size and material? Evina: largest yert is 24x24 and a nice deck. Will need to include a maximum size deck/platform. Yert definition = fabric over a frame. Standard size. Up to maximum number of persons per site – state maximum is eight per site and there will be no additional tents allowed on the sites.

Mangus: Residential campground onsite manager. Mansfield: One of the sites will be for the site manager.

Mangus: Will there be any layout or designation for campsites being ADA compliant? Mansfield: As state mandated, 2% have to be ADA accessible and that will be addressed.

Mangus: Guidelines: We can approve with stipulations or we can have them come back with answers.

Jacobson: Approve now with stipulations. Construction season is upon us.

Wroubel: Move forward now.

Dean: Move forward now. Excellent package of information.

Additional Conditions: approval by fire department and all other relevant agencies; inspection and approval of all existing structures and sanitary services to construction, building and health standards; sign is pending approval; lighting to comply with the ordinance; all permanent structures requiring a permit will have a permit and be inspected by GTC; phase two, up to three years to be started and are moving forward on the project; maximum occupancy will be eight; minimum additional applications of road brine; departure signage- respect the neighbors and the road; deck structure not to exceed 2500 sf total each; will develop a wildlife trash implementation process. These are all to be addressed to the satisfaction of the zoning administrator.

Findings of Fact: The proposed project is in full compliance with the intent in the district and with the standards of our zoning ordinance and fits with the Master Plan in keeping the district recreational and rural. Compatible form of economic growth.

Minor verbiage change: no ATV or four wheeler use on the property.

MOTION by Dean second by Jacobson to approve site plan review and special land use based on the standards with stipulations: approval by fire department and all other relevant agencies; inspection and approval of all existing structures and sanitary services to construction, building and health standards; sign is pending approval; lighting to comply with the ordinance; all permanent structures requiring a permit will have a permit and be inspected by GTC; phase two, up to three years to be started and are moving forward on the project; maximum occupancy will be eight; minimum additional applications of road brine; departure signage- respect the neighbors and the road; deck structure not to exceed 2500 sf total each; will develop a wildlife trash implementation process. These are all to be addressed to the satisfaction of the zoning administrator.

Minor verbiage change: no ATV or four wheeler use on the property.

Roll call vote: Wroubel yes; Dean yes; Jacobson yes; Mangus yes. Motion carried.

2. Site Plan Review and Special Land Use Review – Major Home Occupation

Discussion of Appeal: Antique, farm market, agri-tourism business

Jacobson: There will be a new building and a fire truck will be able to get around.

Dean: Estimate 25 – 35 cars in a gravel parking lot. There will be an additional cut off Gay Road. Additional drive that will connect with the main home drive.

Jacobson: Additional farm products? Merchant: Yes – local farm products.

Hours of operation maximum typical of hours of staffed operation 9 am – 9 pm excluding special events. Need flexibility for any special events.

Days of operation: seven days a week.

Annual permit is part of the home occupation. We cannot exempt them from it but we can address it in the future before their one year renewal comes up.

Mangus: The use runs with the land. Hall: The applicant is very clear in what types of products they are going to sell.

Hubbell: Did talk to the road commission about an additional address. Not going to do an additional address. The zoning administrator will work with the sign regulations, permanent and temporary signs. Signs on state highways have to be approved and permitted by the state.

Findings of Fact: Supported in our Master Plan of local farming and agri-tourism, compliant with zoning ordinance standards. Compatible form of economic growth.

Stipulations: Sign(s) will have to be approved and lighting regulations will need to meet zoning ordinance. It will be seasonal as determined by owner, hours of operation not in excess of 9 – 9 seven days a week, excluding special events.

MOTION by Dean second by Wroubel to approve with stipulations: Sign(s) will have to be approved and lighting regulations will need to meet zoning ordinance. It will be seasonal as determined by owner, hours of operation not in excess of 9 – 9 seven days a week, excluding special events.

Roll call vote: Dean yes; Jacobson yes; Mangus yes; Wroubel yes. Motion carried.

Unfinished Business

1. Master Plan Review: next month we will have Chris Grobbel of Grobbel Environmental & Planning Associates come and make a presentation to the commission regarding the Master Plan in person or via zoom.
2. Marihuana Zoning Ordinance: Special meeting to address the marihuana ordinance? We do have the option of splitting up the medical and the recreational ordinances. Need to address districts, standards and guidelines. Gather information from other township ordinances.
Consensus for a special meeting to handle both medical and recreational ordinances at the same time.

Provided it is allowed we could allow people to view or possibly participate via zoom.

Consensus to continue with zoom access if possible. Up to a certain number of people (approx. 17) can be in person.

Next meeting: March 24, special meeting at 7 p.m. Marihuana ordinances and home occupation annual permit.

Next Regular Meeting is scheduled for April 7, 2021.

Agenda: Master Plan Review; Marijuana ordinances

Tabled items: RC District review and Event Barns review

Public Comment: Vern Gutknecht, 6801 Bunkerhill Rd., – you guys do a great job, thank you.

Commission Discussion/Comments: Carl: Will we have a chance to look at other ordinances before hand? Yes – we will try to find some. We need to address districts and standards for approval.

Thank you to Bob for the excellent packages put together.

Continuing Education: Year in Review: 2020 Zoning and Planning Court Decisions-FSBR (fsbrolaw.com)

Adjournment: 9:40 p.m.

Respectfully Submitted
Lois MacLean,
Recording Secretary