

WHITEWATER TOWNSHIP PLANNING COMMISSION
MINUTES FOR REGULAR MEETING
w/ public participation via Zoom
May 4, 2022

Call to Order at 7:10 p.m.

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

Absent:

Unfilled seat: One commission member and the Township Board Representative

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

Set / Adjust Agenda: Move New Business before Unfinished Business

Declaration of Conflict of Interest:

Public Comment:

Vicky Beam, Baggs Road, regarding the approved preliminary site condo; concerns: zoning, via Zoom: Connie Hymore Baggs Road, regarding the Master Plan, planning enabling act, neighboring townships, zoning, law.

Public Hearing:

1. Open Public Hearing on Amendment 82, Article 25, Site Plan Review (SPR) and Special Use Permit (SUP) at 7:22 p.m.

Public Hearing notice posted in the Record Eagle on April 17, 2022.

Has been reviewed by the attorney and will be more clear.

Public Comment in favor: None

Public Comment opposed: None

Public Comment neutral: Randy Melnik: some areas need more attention or review – legal may have already addressed: fees proposed, notice of public hearing, amendments to SUP, SUP transfer, SUP expiration.

Comment regarding the Zoning Ordinance having the DRAFT designation. Mangus notes the Board had that put on.

Close Public Hearing at 7:35 p.m.

2. Open Public Hearing on Special Use Permit/Site Plan Review Application at 7:36 p.m.

Parcel # 28-13-005-008-20, E M-72, Williamsburg, Michigan, 49690, zoned Commercial, 3.32 acres.

Required notice of public hearing was posted in the Traverse City Record Eagle on April 17, 2022. Required notices were sent out to all property owners within 300' on April 17, 2022.

Staff report, Zoning Administrator presentation:

((Education: A preliminary SPR can be waived. Tonight is a perfect example of the SPR and SUP with the two reviews on the agenda tonight))

We are here today for the final SPR and an SUP. Staff report included in the packet.

Staff recommends that the requested special use be approved.

Owner: Kirk Johnson DVM, 8925 2 Mile Rd., Ada, Michigan,

Agent, represents Classic Equine: John Kerridge Architect, 8140 Bel Cherrie Dr, Traverse City, Michigan

Requesting a special use as an equine veterinary clinic as listed in Article VIII, Section 8.11.L as a use permitted by special use permit.

Application is for Classic Equine to include office space, exam area, evaluation area, efficiency studio staff units above, to have 2-3 operational employees and parking with full drive parameter access.

All setbacks have been met.

Will go through the county and state for all necessary permits. Not a high volume veterinary clinic, no surgeries.

Everything is in compliance with the zoning ordinance.

Questions answered regarding the parameter drive, pasture, efficiency studios.

Correspondence: None received

Public comment in favor: Member of the audience in favor

Public comment opposed: None

Public comment, neutral: None

Close public hearing at 7:50 p.m.

Approval of Minutes:

MOTION by Jacobson, second by Wroubel to approve March 2, 2022, meeting minutes, as amended. (Note, draft minutes posted on the website and the recording secretary's draft had the correct meeting minutes date)

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

MOTION by Keaton, second by Jacobson to approve March 11, 2022, meeting minutes.

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

Correspondence: (Included in packet)

Reports:

Zoning Administrator Report, Hall: Continue to get calls on short term rentals (STR) and STRs in conjunction with site condominium development. Site Condos are very different than Planned Unit Developments (PUD). The Baggs Road developer will be addressing the requirements.

There is not a perfect Master Plan or a perfect zoning ordinance. Confident that Whitewater Township will move forward using the site condominium development information. Note: MSU extension, Networks Northwest has a lot of information regarding site condominiums, PUD's etc. We all need to do everything as written in the ordinance.

Chair's Report, Mangus: Have been requested to find out who of the commissioners has what, what resources do you have: hard copy of the Master Plan, Zoning Ordinance, PC Bylaws, employee handbook, Michigan Guide to Planning and Zoning. Mangus will put in a request for hard copies for each as needed.

Township Board Rep., None assigned.

ZBA Representative, Wroubel: No cases in March or April.

Committee Reports: None.

Additional Items: None.

New Business addressed before Unfinished Business (see below)

Unfinished Business:

1. Amendment 82, Article 25, Site Plan Review and Special Use Permit amendment discussion.
The draft of the review from the attorney has been presented this evening.
Move forward, send to the board and let them move with the minor adjustments presented by the attorney OR read through it and bring it back next month for final approval.
Consensus to bring it back next month after review.
2. Article 25, Special Use Permit amendment discussion. Included in above.
3. Classic Equine Special Use Permit discussion.
Efficiency studio unit helps the owner with property safety. Will this open the door to other business? It is something that is allowed in the Commercial District as a mixed use. It is a permitted use, a lawful use.
No need to delay.
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.) The proposed use is in accordance to the general health, safety and welfare of the community.

Planning Commission Findings of Fact:

- 1.) Whereas Classic Equine meets all requirements of the Whitewater Township zoning ordinance.
- 2.) Whereas, not in conflict with the health safety and welfare.

- 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.

No additional provisions.

MOTION by Keaton, second by Jacobson to approve Classic Equine Special Use Permit as proposed based on the stated findings of fact.

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

4. Master Plan Review – looking to get some additional professional assistance with the Master Plan. Need to get surveys out to the people for public input, community outreach. We need someone who will walk us through the process not someone who will write it and hand it over.
We will need internet access / infrastructure addressed in the MP.
5. Article 12, Setbacks – review and complete to set public hearing. Addressed in the special meeting.
6. Article 5, Zoning Districts – rules and interpretation and draft maps. (postponed)
7. Marihuana proposed zoning ordinance amendments – medical (postponed)

New Business:

1. Site Plan Review – horse barn on Lossie Road. There is no home there yet so it has to be addressed as a SPR. There are no efficiency studios – that was a typo.
Hall: Staff report included in the packet.
They will have people in the area to run the horse stable/barn.
MOTION by Keaton, second by Jacobson to approve as proposed.
Roll call: Wroubel-yes; Keaton-yes; Darrow-yes Mangus-yes; Jacobson-yes. All in favor. Motion carried.
When the PC approves the site plan, the land use permit is granted.
2. Article 1 Preamble – title, authority, goals and purpose (new). Cleanup, send to the attorney for future public hearing.
MOTION by Jacobson, second by Darrow to forward to the attorney for review.
Roll call: Wroubel-yes; Mangus-yes; Keaton-yes; Darrow-yes; Jacobson-yes. All in favor. Motion carried.

Next Regular Meeting is scheduled for June 1, 2022.

Next meeting agenda: MP review, marihuana zoning ordinances, continue Public Hearing Amendment 82, Article 25, SPR & SUP discussion and decision.

Public Comment:

Peltonen: MTA training commission training and website availability of the zoom link.

Commission Discussion/Comments: Consensus to change meeting time to 6 p.m. for the June meeting.

Continuing Education: Introduction to Site condo by Bob Hall (postponed – lost internet connection)

Adjournment: 9:05 p.m.

Respectfully Submitted
Lois MacLean,
Recording Secretary