

WHITEWATER TOWNSHIP PLANNING COMMISSION
MINUTES FOR REGULAR MEETING
June 7, 2017

Call to Order at 7:00 p.m.

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

Absent: Link

Also in attendance: Recording Secretary MacLean

Set / Adjust Agenda: Move New Business, site condo review discussion before Unfinished Business

Declaration of Conflict of Interest: Mangus will be recusing herself from the Site Condo Review and turn the meeting over to Dean for that portion.

Public Comment: Connie Roundtree, 5413 Glendenning Trail. Was at the township board meeting regarding the private road ordinance discussion. Very informal discussion at the board meeting. Have lived on a private for 12 years, it is a site condo. Roundtree is a real estate broker giving a different perspective to the subject. We used to have to drive 2 miles of unpaved road to get to our paved private road. Have read the ordinance and the proposed changes. Need to keep in mind safety and liability when looking at the ordinance. Safety for the user, the township and the builder. It goes beyond the aesthetics. Substandard roads can be a liability. Keep in mind the emergency vehicles, elderly driving, young drivers. Need a private road maintenance agreement when getting a loan. Curb appeal is important when developing and value. The township ordinance should protect the owner, the developer and the township. Repealing it could cause ramifications that you may not even be aware of. Need to have minimum standards. Is the road ordinance, the way it currently stands, costly to the developer? The developer can recoup in selling the properties. The requirements seem minimal and would be part of the planned expense. Do you want the township to be a nice place to live or a not so nice place to live. Willing to come in and speak as a real estate broker in the future.

Mangus: We will be discussing this in the future. It looks like we will be adjusting the standards of the current ordinance.

Dean: It is not just about developments it impacts private property owners as well.

Public Hearing: Regarding Amendment #70 pertaining to Article 2, Interpretation

a. Open Public Hearing at 7:12 p.m.

b. Attendance sign in request

c. Notice published in The Record Eagle on May 21, 2017.

d. Amendment #70, Article 2 Interpretation, Section 2.10 Purposes: *Remove "and to realize the community goals, policies and objectives expressed in the Township Master Plan."*

Section 2.11 Scope: Restatement of section as adopted.

Section 2.12 Splitting Lots Within Recorded Subdivisions: No lot, outlot (*spelling correction only*) or other parcel of land in a recorded plat shall be further partitioned or divided unless in conformity with the (*remove: ordinance of the municipality*) standard of the district in which it exists. The (*remove: municipality*) township may permit the partitioning of land into not more than four (4) parts. (*Remove: However, any lot, outlet or other parcel of land not served by public sewer and public water systems shall not be further partitioned or divided if the resulting lots, outlots or other parcels are less than the minimum land area provided for in this act.*)

Add new section, Section 2.13 Rules of Interpretation, standard principles used in zoning

e. Presentations: None

f. Correspondence received: No written comments were received.

g. Public Comment:

Comment in opposition to the amendment:

Judith Danford, 1139 N West Silver Lake Rd, Traverse City, MI 49684. Owns property at 1330 Hursh Rd., Address section 2.13 Rules of interpretation: #2 any interpretation of this ordinance would be decided by the ZBA. When would that be necessary? Example? Concern comes from the subjective vs the objective.

Mangus: If it is beyond the basic definitions. If needed the ZBA would consult an attorney and the zoning administrator. If there are parts of the ordinance that are in conflict with each other.

Danforth: What is the intent of ordinance?

Mangus: It gives property owners an option when the property owner and the ZA and/or PC cannot agree.

No comment for the proposed amendment.

h. Close Public Hearing: 7:20 p.m.

PC discussion, action and decision:

Motion by Hooper, second by Jacobson to send Amendment #70 regarding Article 2 to the Board for approval as presented.

Roll call vote: Dean-yes; Hooper-yes; Jacobson-yes; Lawson-n/a; Link-n/a; Mangus-yes; Render-yes

Approval of Minutes:

Motion to approve May 3, 2017, Regular Meeting Minutes by Dean, second by Hooper. All in favor. Motion carried.

Motion to approve May 17, 2017, Special Meeting Minutes by Hooper, second by Jacobson. All in favor. Motion carried.

Correspondence: None.

Reports: None

Zoning Administrator Report,: None

Chair's Report, Mangus: None

Township Board Rep., Lawson: N/A. Mangus from the Board: The township did not get a zoning administrator.

Reposting the position. In the mean time they have called on an interim ZA, Denny Habedank to work at least one day a week. He will be starting this Friday. Denny is familiar with the ZO and the clean-up work we are trying to do.

ZBA Representative, Hooper: No meetings.

Committee Reports: None.

Additional Items: None.

New Business:

1. Whitewater Pines Site Condo – Preliminary Plat Review: Mangus recusing herself from the meeting for this portion. Dean is conducting as the Chair.

This is tied to Ordinance 16.

Presentation from Steve Mangus, 1214 Cerro Drive, Traverse City. There is a difference between a site condo and a sub division. Site condo allows for common areas. The private road will always be a private road. In brief, the road and utilities were previously installed. For whatever reason the developer never finished the project. The number of lots and how they are split is the only difference from the original previously approved project.

Additional exterior lots will have drives off Broomhead and Deal Roads. Previously it was a site condo approval. Have not determined which 10 will be 2 family homes and which 23 will be the single family homes.

Discussion of the drives being off the roads rather than the cul-de-sac.

This is a preliminary request.

Steve Mangus: Getting this approval so they can go to the other entities to get those approvals. Final approval would not come until those are gotten.

PC: Concerned about the number of road cuts not part of the main. Five drives off Deal seem excessive.

Current private road ordinance has a limit of 25 lots. Possibly request from the board relief from the private road ordinance regarding number of lots. Can move 3 to the cul-de-sac if it were approved by the board.

Steve Mangus: In 2006 there were 21 lots approved. Looking to build nice homes, middle class family homes similar to what is in the area. AG minimum lot size is 40,000 sf., all lots meet those requirements. Sanitarium will determine wells and septic. Each lot has to perk. Not looking for any special treatment.

PC: The previous ZA recommended setting up a sub-committee to go through the preliminary steps in more detail. The preliminary process is four steps. (1) Preliminary approval from the PC; (2) Go to the other entities to get those approvals; (3) Public Hearing through the PC; (4) PC sends their recommendations to the Board.

Steve Mangus: If they have the latitude to change the drives that would be helpful.

PC: This was previously approved with a smaller number of lots. Complies with the ordinance the way it is. Public Hearing is through the PC then it is sent to the board. The neighbors will have their input at the public hearing.

The previous project had preliminary and final approval by the Board. It is only the density that has changed.

The PC is in consensus that it is okay to move forward to form a sub-committee and notify the Board.

Preliminary plat lay out has to be approved. From the PC perspective this is the largest number of lots there

could be, there could be fewer approved by the other approving entities. The northern portion is where the most concern is.

Consensus to give a preliminary approval so they can move forward in getting the other approvals.

Motion by Hooper, second by Jacobson for the PC to create a sub-committee, hold a public hearing and then send the proposal to the board. The public hearing could be as soon as July 5, if the sub-committee meetings with the ZA are done and the Manguses can get the other approvals in time for proper notification of the meeting.

Roll call: Hooper-yes; Jacobson-yes; Lawson-n/a; Link-n/a; Mangus-recused; Render-yes; Dean-yes. Motion carried.

Dean, Hooper, Render, Jacobson have offered to be on the subcommittee but there will only be three in attendance at the meeting with the ZA.

Kim Mangus back in the meeting as Chair.

Old Business:

1. Fourth review of Article 8, Commercial. Consensus that this is ready to set aside to be ready for a public hearing. Motion by Dean, second by Jacobson to move Article 8, Commercial as Amendment #71 to the next available public hearing. All in favor. Motion carried.
2. Second Review of Article 8, Village. Discussion. Kim will make discussed adjustments and bring back.
3. Second review of Article 9, Industrial - *postpone*
4. Continue review of Article 3, Definitions, including additions. Billboards will relocate in the future - *postpone*.

New Business:

2. Private Road Ordinance Direction. The township board sent it back to the PC. They do not want to eliminate the Private Road Ordinance and would like a review with recommendations. A sample modified ordinance was sent to the board. May be able to make two standards: Personal private roads and sub-division/site condo type. Hopefully, the PC will get a copy of the attorney opinion on the private road ordinance. Possibly move the General Ordinance to a Zoning Ordinance as is and then the PC can work on it or make the change and let them decide if it is best as a General Ordinance or as a Zoning Ordinance. Kim will supply a couple rough drafts of ideas to get a direction.

Next Regular Meeting July 5, 2017

Possible Public Hearing on Amendment #71

Road Ordinance

Village, Industrial, Definitions

Public Comment: Judith Danford, 1139 N West Silver Lake Rd, Traverse City, MI 49684, Spent 21 years in this township, got their first land in 1958. Have previously worked with the township on this whole topic. I stopped in 2009. Who is writing or re-writing the ordinance?

Mangus: We are trying to go through each article and resolve conflicts within the ordinance also trying to straighten out the Notices of Public Hearings that happened previously.

Judith: The PC will need to do double due diligence to not raise any question on the site condo project. How does the number of parcels change the impact on the township? The sub-committee will meet with the ZA then hold a public hearing, can't really plan a public hearing before that meeting. Many townships have site plan review for every single project in the township. The PC is the defense line to keep things from getting out of control.

There are entities that provide services to put the ordinances together. This is crucial and vital to our township. The Zoning Ordinance sets the perimeters. Putting the ordinance together in piece-meal right now, who is going to do the final clean-up.

Mangus: Our intent is to send this to a recodification company to get it all together but we have to address somethings before we can even send it to a company for the professional input.

Hooper notes that he was a previous ZA for the township and was on the PC previously. Somethings were not done properly previously and that is why we are going through it the way we are.

Judith: Thank you for your explanation.

Steve Mangus: 1214 Cerro Drive, TC. I am an honest developer. Please be sure to show me zero favoritism just treat me fairly.

Commission Discussion/Comments: None

Continuing Education: None.

Adjournment: 9:28 p.m.

Respectfully Submitted
Lois MacLean,
Recording Secretary