

DRAFT  
WHITEWATER TOWNSHIP PLANNING COMMISSION  
MINUTES OF SEPTEMBER 7, 2011 REGULAR MEETING

Call to Order by Zakrajsek at 7:04 pm

**Roll Call:** Lyons, Boyd, Miller, Courtade, Dean & Zakrajsek, , Recording Secretary-MacLean, Zoning Administrator-Meyers + 6 audience

Absent: Mangus

**Set/Adjust Agenda:** None

**Approval of Minutes of 8/3/2011 Motion to approve by Boyd , seconded by Lyons ; all in favor. Motion Carried.**

**Conflict of Interest:** None declared

**Public Comment:** Steve Mangus, Passed out information from Kim regarding the RC-1 survey.

**Public Hearing:** NONE

**Reports:**

Correspondence: None

ZA Report: August report. Dylan is back in school and thoroughly enjoyed his term here and would like to come back next year.

Township Board Rep: Boyd: As a board, we took action on the Fire Chief position. Attended a dinner put on by the study committee, emergency services auxiliary and personnel/volunteers. Very informative and a very good, active, communication amongst all. Lots of positive feed-back on where we are and where we are going.

Chair: Set in on a town hall meeting in Acme – Meijer proposal, sounds like the same people are casting the same votes (traffic, ugliness). Feels like they are missing the boat over there. I think it would help our district as far as commerce, etc. Miller: What kind of hurdles do you see? Zakrajsek: Meijer dropped the gas station. It seems like they are trying to work with the community. The general public seem to want it but the people that come out are the ones that speak out against. Mr. Veliquet made a comment that we've had 5 years lost in charitable donations, jobs, sales of local produce, etc. Wish there was a bigger push in Acme to accommodate.

**Old Business:**

**1. Medical Marijuana/Home Occupations Ordinance Amendment**

Recommendations: Meyers: Based on the court of appeals decision regarding collectives and dispensaries that came down, would like this tabled for now until the courts have made up their minds. Traverse City has closed a couple, Grayling has closed some down. Attorney Fahey will be coming through with input. Meyers will bring back the Home occupation component for consideration at the next meeting. **Motion to table by Lyons, seconded by Miller, all in favor.**

**Motion carried.**

**2. Master Plan - New Census Information. More information has been released.**

**Motion to table by Boyd, seconded by Dean to table, all in favor.**

**Motion carried.**

### New Business:

1. Review Evina Camp. Meyers: Started with a complaint. Found construction of buildings. RC1 district allows for camps. Camps are not defined Made an interpretation.

Step one: Define "Camp": "An area or establishment intended to contain temporary or permanent buildings, tents, recreational vehicles such as motor homes or camper trailers, or other structures established or maintained as temporary living quarters, usually operated during the summer for recreation or vacation purposes. Camps are not for remuneration." It is a permitted use, based on what we have in the ordinance. A camp for individual family use – not for remuneration. Evina agreed with that.

Step two: Site Plan Review. Based on 25.11 A.

Step three: We need to clearly define camps and campgrounds. Preserves rural character and large lots. Gives ability for more uses in the area ie: camps and campgrounds.

Mr. Evina would like to get the necessary permits. He has worked with us very quickly and very openly. There is 75 acres, most surrounded by state land; zoned RC1. Mr. Evina would like to construct a camp comprised of 3 cabins, an outdoor pavilion, a pole barn and three camper pads. Intention is to build a house in 2014/2015. Outstanding issues: Fire safety issues, GT County requirements, State requirements, building code requirements. We can make a recommendation with conditions: all fire safety requirements be met; no tax or liens outstanding.

Meyers: Mr. Evina covered the attorney fees incurred by the Township.

**Recommendation by Zoning Administrator:** Recommend approval of the Site Plan for the Camp at the Evina property subject to the following conditions:

1. All fire safety requirements are met.
2. All Township fees, fines and liens are satisfied.
3. All State and County requirements are met.
4. County Health Department requirements are met.
5. Construction Code requirements are met.
6. Drain Commission requirements are met.

Based on the findings of fact:

**Is the request compatible with the Master Plan?** Yes. Per the Master Plan, "New development should be seamlessly woven into the physical fabric of its surroundings, regardless of differences on size or architectural style." The location of the proposed camp is surrounded almost entirely by State Land, creating the "seamlessly woven" concept.

**Is the request compatible with the surrounding area?** Yes. The camp is planned to be compatible with the surrounding area by keeping 5-acre minimums as well as preserving the rural character of RC-1 zoned areas.

**Will there be an improvement to the immediate vicinity?** The request will not change the character of the area in any way.

**Will the request impact traffic?** No. Since the camp is not commercial it will have no negative impact on the surrounding areas.

**Is the request consistent with Zoning Ordinance standards?** Yes. The camp proposes to meet ordinance standards.

Mr. Evina: Brought one copy of the site plan a larger version of what is in the packet.

Rob Evina: Did not intend to start off on the wrong foot. Intention to build a house.

Evolved into camping and tenting got old. Cabins were to be temporary and portable – understood that was allowed. Decision to make cabins permanent came from family coming and vacationing with us on the property. Eight families have visited this summer. There is no intention of renting or making a commercial venture of it. Zakrajsek: Couple questions: One to Meyers, He wants to build a house in 2014 – does that make these guest homes or second homes on the property? Meyers: No answer because camps are allowed. Zakrajsek: How do we allow cabins and a home if other people cannot have two homes on their property? Building a camp? Then there is a possible problem with a home. 14x300, does not meet the minimum sq. feet of a home. Meyers: Because camp is allowed. Zakrajsek: We'll be crossing that road when you want to build a home on the same property. Boyd: We've struggled with the whole issue on more than one house on property. Meyers: At this point we are really only dealing with the camp. The house is coming in the future. Evina: There is no electric back there now, operating a generator – electric company will not allow until there is a home plan in place. Evina: Maybe this is the way for the township to preserve large tracts of land. This is something the township could actually market as a way to draw people in. Dean: Any acreage minimum? I see this on 75 acres surrounded by state land, I say go for it. Courtade: Do we allow three mobile homes lined up – they are “portable”. Boyd: Essentially it is a campground, if you are going to put them on a slab but not affix them. We have struggled with this on other properties. Cabins, then house? We allow one but not the other. Meyers: I asked him to include the home, maybe I did him an injustice by bringing up the house instead of just a camp. Evina: I didn't really mean to make this so complicated. Zakrajsek: Where do we stand when he is ready to build a home? It can be split. The proposed house is not the issue. Meyer: 24 lots possible as a PUD. Zakrajsek: Keep this at what we are dealing with right now: camp, campground. Pavilions and gazebos are not allowed without a primary residence. Meyers: It is a permitted use. You can consider approving this as a camp and the board can discuss and create rules for the future. Deal with the house at that point. Boyd: Take the word camp out, then deal with it. Meyers: Yes, but we cannot pull it in the middle of this. Boyd: Take it out. Meyers: Deny, approve or approve with conditions. Dean: We could approve the camp on the site plan if we take the house part of it out. Zakrajsek: You let one in and close the door, then you'll get the question “why did you let the one in in the first place?” Boyd: Cell tower issue in Kalkaska county. Original work was shut down until the ordinance was written for towers. Parallel this to the same issue. Is it legal, permits, etc? I will not approve on this. Feel we need to make a wording determination first. Get the definitions. I cannot put a slab down for my friends to come and park their campers on. I cannot approve this until it is sorted out. Don't want any possible future law suit. Boyd: Something else to share – Mears / Silver Lake. Several large campgrounds only they are for rent. Rough sawn siding, neat looking at the time, they have deteriorated and do not look good any more. Evina: I can understand that. It will have a stone skirt, vinyl siding, etc. will have to be maintained. Zakrajsek: Litigation is not the issue. My concern is if another resident comes in and wants to do this. Zoned RC1 which is 5 acre minimums, large lot zoning Recreation, conservation and single family homes. Camping is allowed 120 days in any zoning. Strike all the “proposed” stuff, only that which is under constructions. Meyers: Camp is a permitted use. Different than camping for 120 days. Meyers read Article 11. Dean: Camp is not subordinate to having a home, it is a permitted use.

Miller: We need to get the definition of camp. Boyd: Would like to table; get Mr. Evina a good answer; time to work on it and make it right. Table the item until March. Dean: This puts it on hold with the county. Initiate with the county, he is on stop work order with the county. Mr. Evina says it is okay to be on hold until March. County has been out there inspecting. Mr. Evina wants it to be right.

**Motion to table by Lyons, seconded by Boyd. All in favor. Motion carried.** Put it on next month's agenda. Meyers will bring options. The definition is going to be very important.

2. Poultry Discussion: Started as a complaint because of the noise. Lot size does not meet the 2.5 acres. Was the intent to keep poultry only or is "fowl" to be included? Lyons: Free range? Zakrajsek: Housing for the animals? Meyers: I thought your intent was to allow the female non-noise making birds and not allow the male noise makers. Dean: Even if we change the word it does not take into account the male free-ranging. Zakrajsek: Leave it and deal with the complaint.

Public Comment: Steve Mangus: another victimless crime. The real criminal is WWT. What harm is being done to the community? What harm is there if I put a pole barn on my 8.5 acres. Right to farm act, I can put a pole barn as ag. Same thing with the second house / guest house. Why were these rules put in in the first place? My feeling is "allow everything". The public does not like imposition on their rights. Not for micro-managing. Historically what drove all these rules to be implemented? All these rules are shutting down opportunities. Zakrajsek: This man is building something that requires building permits, it is not just standard camping. Mangus: Regulating something that does not need to be regulated.

Continuing Education: None

**Motion to adjourn at 8:39 by Boyd, seconded by Courtade. MOTION CARRIED.**

Tabled Items: Non-conformities; Definitions-Fences; Permitted and Special Uses