

WHITEWATER TOWNSHIP PLANNING COMMISSION
MINUTES FOR REGULAR MEETING
September 7, 2022

Call to Order at 7:03 p.m.

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

Absent: Wroubel

Unfilled seat: Township Board Representative

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

Set / Adjust Agenda: Set

Declaration of Conflict of Interest: Mangus noted that she owns property that has been made into a site condo.

Public Comment:

Scott Jozwiak, East Bay Township resident, civil engineer, commented that he is working on a project in Whitewater Township with a site plan review and was told this afternoon about the moratorium. He noted that he is going on record that he is anxious to get going on this project that they have been working on for months and just now learned there is a moratorium. Requested the PC intervene with the township board to move on a site plan review, not special use, to move forward on the process. Mangus recommended taking the request to the Board.

Vicky Beam, 6847 Baggs Road, commented that she is not against development, passed out information on the Baggs Road project, quoted Hall from previous meeting, width to depth ratio, campground, rural character.

Connie Hymore, Baggs Road, commented on General Ordinance availability, zoning articles and amendments.

Linda Slopsema commented on marihuana.

No name given commented on terminology and definitions.

Public Hearing: None

Approval of Minutes:

MOTION by Steelman, to approve July 19, 2022, closed session meeting minutes as presented; second by Jacobson.

Roll call: Wroubel-N/A; Darrow-yes; Jacobson-yes; Keaton-yes; Mangus-yes; Steelman-yes. Motion carried.

August 3, 2022, meeting minutes: Remove the reference to the findings of fact regarding the medical marihuana amendment.

MOTION by Jacobson to approve August 3, 2022, meeting minutes as amended; second by Darrow.

Roll call: Darrow-yes; Jacobson-yes; Keaton-yes; Mangus-yes; Steelman-yes; Wroubel-N/A. Motion carried.

Correspondence: Included in packet. Mangus noted the article from the Traverse City Ticker.

Reports:

Zoning Administrator Report, Hall:

Site Plan review and special land use are two separate items.

Importance of consistency in language in the ordinances.

Continue to receive inquiries regarding short term rentals (STR). Short term rentals are not permitted in the township.

ZA has been requested by the supervisor to address the "complaint manual" regarding ordinance administration and ordinance enforcement. We have no remedies, only a recommendation to go to the township board. Typically if you do not have municipal civil infraction (MCI) ordinances you can only initiate legal action through the circuit court, with is 10 to 20 times more expensive than issuing an MCI and going through the district court.

Regarding the moratorium, there has been email communication with Mr. Jozwiak. Developers are out there and they cannot do a thing right now. Normally a board will instruct the PC to work exclusively on the moratorium issues to get it addressed as moratoriums are frowned upon.

ZBA had a couple cases regarding nonconformities. The ordinance that addresses nonconformities gives little to no guidance to the zoning board of appeals and is lacking detail and direction. Planning and Zoning News regarding nonconformities passed out.

Land Use Permit (LUP) activities have slowed. Have been advised by the attorneys to not take any applications, do not begin any review processes, do not take any money, don't do anything right now.

Questions regarding ordinances can be looked into on "ask the expert" or "ask an expert", a nationwide university extension service.

Chair's Report, Mangus: Adult use marihuana ordinance has been rescinded by the board and medical marihuana is on the agenda at their September 13, meeting.

The Planning Commission's site plan review and special use permit amendment recommendations have been sent to the board. The board has not addressed them yet. It is on their September meeting agenda. No other direction has come from the board. No check list has come from the board as to what needs to be done for the board to lift the moratorium.

Township Board Rep,. None assigned.

ZBA Representative, Wroubel: Via Hall, two cases August 25, 2022, regarding nonconformities. Both parcels were built on before zoning was implemented and both are considered nonconforming so any changes need to be approved by the ZBA. One was keeping the nonconformity of being in the setback and the other moved the new building out of the setback bringing the property more into conformity.

Committee Reports: None.

Additional Items: None.

Unfinished Business:

1. Update on pending amendments. Both amendments are on the board agenda along with a recommendation to fill the Board representative to the PC seat with Heidi Vollmuth.
2. Article 25, Medical Marihuana Amendments Discussion. Continue or postpone until the board makes their determination at their next meeting.
Consensus to delay discussion of the medical marihuana until the next meeting.
3. PC Training and Continuing Education.
Citizens Planner program is available to all online and recommend everyone take it. Darrow, Steelman, Keaton are interested in starting in October. Jacobson is interested in starting after the first of the year.
4. Articles 28.11.D, 31, and 32 strategies to address issues related to Board SUP moratorium.
Article 28:
Mangus passed out the condominium ordinance that was in place prior to being amended in March of 2021. Mangus provided some explanation on Article 28.
Discussion ensued. Language, terminology, clarity and consistency are important throughout the ordinance(s). Mangus and Steelman will work on the fine tuning on Article 28.
MOTION by Mangus for Mangus and Steelman to work as a subcommittee to prepare and send a list of questions and recommendations for the attorney; second by Keaton.
Roll call: Steelman-yes; Jacobson-yes; Mangus-yes; Wroubel-N/A; Keaton-yes; Darrow-yes. Motion carried.
The goal is to have a draft back in October.

Article 31 and 32:
MOTION by Jacobson for Mangus and Steelman to work as a subcommittee to prepare and send a list of questions and recommendations for the attorney on Articles 31 and 32; second by Keaton.
Roll call: Keaton-yes; Mangus-yes; Wroubel-N/A; Steelman-yes; Darrow-yes; Jacobson-yes. Motion carried.
The goal is to have a draft back in October.
5. Proposed Adult-Use ZO amendment – forward to Board? Can move it forward to the board to adopt or not adopt as a completed, rejected amendment.
Whereas Adult-Use Marihuana has been rejected by Whitewater Township residents by a referendum of the voters. The Planning Commission recommends disapproval of the proposed amendment establishing Adult Use Marihuana Grow and Processing establishment as a Special Use.

MOTION by Jacobson to forward Adult Use Marihuana Grow and Process zoning ordinance to the board based on the stated findings of fact, with a recommendation of disapproval, second by Darrow.

Roll call: Mangus-yes; Wroubel-N/A; Keaton-yes; Steelman-yes; Darrow-yes; Jacobson-yes. Motion carried.

6. Planning Consultant is on the next board agenda.
7. Master Plan review is on hold until we have a consultant available.
8. Update on pending projects: Article 5, Districts and mapping and the Zoning Ordinance Word copy are on hold until the moratorium is lifted.

New Business:

1. First review of Article 25, Special Use Permit (SUP) standards for commercial campgrounds. Discussion ensued regarding specifics and definitions. Read through of ZO Article 25.22 and change recommendations. Mangus will update and bring back.

Next Regular Meeting is scheduled for October 5, 2022, 7 p.m.

Next meeting agenda ,

Public Comment:

Tom McElwee commented on communication and lack of guidance from the board.

No name given commented length of camping stay in relation to voting rights.

Connie Hymore, Baggs Road, commented on Hall being present at the meeting with possible covid exposure, ZBA cases, site condos, and guidelines.

Randy Mielnik, 9304 Wheeler Oaks, provided a proposal to the board as a planning consultant and commented on standards, definitions, resources available and the moratorium timing,

Vicky Beam, Baggs Road, commented on subcommittee, planning consultant, conflict of interest, width to depth ratio, no return comment from Baggs Road developer, flow chart, public feedback, green space and buffers.

Vicki Emerson commented on new PC members, MTA training, research, consultant, resources, efficiency, communication and covid exposure.

Commission Discussion/Comments: Mangus commented on what is and is not allowed and what is and is not appropriate regarding commission communication. The Planning Commission does not have control over the Board, Zoning Board of Appeals or the Zoning Administrator.

Continuing Education: Planning & Zoning News “Regulating Nonconformities” provided by ZA Hall.

Adjournment: 10:03 p.m.

Respectfully Submitted
Lois MacLean,
Recording Secretary