

WHITEWATER TOWNSHIP PLANNING COMMISSION
MINUTES FOR REGULAR MEETING, November 5, 2014

Call to Order at 6:59 p.m.

Roll Call: Bowerman, Lawson, Link, Lyons, Miller, Mangus

Absent: Dean

Also in attendance: Recording Secretary, MacLean plus 8 in audience

Set/Adjust Agenda: Adjust agenda: Zoning Administrator (ZA), Horse Shows note to be addressed after the Chair's report, as New Business #1 rather than a second Public Comment item.

Approval of Minutes: October 1, 2014, Regular Meeting Minutes: Motion to approve by Lyons , second by Lawson . All in favor. Motion carried.

Declaration of Conflict of Interest None.

Public Comment: Karen Ferguson, passed out a letter to PC members, 686 Island View Dr., TC. Stand to be substantially impacted by the proposed use of the site. We disagree with the ZA decision that it is a use by right. Look at the uses allowed in the recreation district, it is not a riding stable, not a riding academy. Letter indicates dictionary definitions of those uses. It's a huge event that draws thousands of participants, employees and vendors. There are commercial booths selling retail goods and foods, with trucks delivering food daily. Two weeks of set up with constant semis delivering structures to set up the event; the noise with setting up the event; then a four week event followed by a two week dressage event for a six week event with loud speakers. All of that noise, all of that traffic, at one point I heard 400 one-way trips/800 round trips per day of regular traffic, that is not event traffic; employee traffic, where the employees live. Our concerns are noise, use of Island View Dr. and private road, the easy ability to walk from that site over to the lake, traffic, the removal of all vegetation. From what I saw of the site plan, this is a heavily wooded site and they pretty much remove all of the vegetation except a 100' buffer, of which, part of that is power line. So the buffer between the use and Island View Drive is not going to be that useful and there will be massive earth movement needed because it is a rolling site, this is not pasture land that they are going to flatten and cover every inch of it with arenas, seating, parking, roads. So I ask that you reverse the ZA decision and consider that it requires an amendment to the zoning ordinance to allow this substantial commercial use and allow the residents of Island Lake to have public input, have a hearing, protect their property rights and the due process rights by considering that an amendment needs to be made in the zoning ordinance to allow this use. If this goes on to site plan approval, the ZA has told me he thinks he has sole authority to approve that but I look at the standards and many of them are very subjective including ones about impact to neighboring uses and trying to minimize the removal of natural vegetation. This clearly does not meet that standard and these are subjective standards that the people on Island Lake have a right to make public comment on and have their comments be part of what the zoning body has to make a decision to either approve or deny the use. Thank you.

Public Hearing: None

Reports:

Correspondence: None.

Zoning Administrator Report, Habedank: None. Mangus notes that the ZA has taken full time employment in another township but will work one day each week here as an interim until a replacement is hired

Township Board Representative, Lawson: Regarding the road ordinance, unanimously decided by the Board to have the PC come up with a replacement plan. The Board is willing to pay anyone on the PC willing to put in the extra time to do this. The Board will also allow the PC to hire other people to help with this project. Also, the General Ordinance needs to be updated and put together and, again, will pay for people who are interested in putting in needed additional work time. We do not have a completed, compiled copy of the Zoning Ordinance.

Chair,Dean: N/A.

New Business:

1. ZA: Horse Shows by the Bay (HSBtB) submitted information for a review on 10/22/2014 in the late afternoon hours. A review was completed on 11/3/2014 and it appears that their proposed use is a use by right.

The Planning Commission previously looked at this and, by consensus, decided it was a use by right. There has not been a lot of information brought forth. The PC needs to see the information that the ZA has. Discussion: Not enough information to make any decision.

Mangus: Based on the information previously presented it appears to fit in as a use by right.

Link: Use by right seems like a stretch. If it is a use by right then the ZA does have the right to approve it. Without more information and the formal application the PC cannot really make a decision. If the ZA has made a decision then it is not a PC issue at this point. It is being handled by the ZA and the Board and the PC has not been directed to address it.

Mangus addressing the concerns as stated in Ms. Ferguson's letter: Preliminary draft plans have been looked at by the PC. The ZA has received more information that we do not have yet. The zoning ordinance is not currently available on the website. The ZA been reviewing it, cross referencing all current zoning statutes with when and where they were approved and implemented within the zoning ordinance. While the information has been being verified it has been pulled from the website.

Lawson notes a letter to the Board from the ZA – he's using a standard from the North American Industrial Classification System (NAICS) to classify this.

Mangus: Many of the concerns are planning to be addressed, not only for the protection of the neighbors but for the protection of the horses. Topographically it is a level site, it will be leveling bumps rather than hills. Fencing is being addressed. They do intend to remove a substantial amount of vegetation and replace it with vegetation more compatible to their needs. HSBtB have indicated to the PC that they have no intention of any events other than equine events.

Open to public input:

Mark Smith 326 Island View Dr., We have worked to keep the 5 acre minimum restrictions in that area. I question if it is proper use, this is a major commercial operation. Would like to see the plan and more information. She (Alex, of HSBtB) does seem willing to address concerns like the 100' buffer, berms and sound. In regards to the environmental impact, Island Lake is a sealed lake, only spring fed and there's no outlet. She will draw a lot of water during that period, hopefully it will not affect the springs of the lake. Certain a study needs to be done about the potential impact. She indicates that all waste will be removed daily. The impact on the neighbors is the biggest thing and questions if this is an RC1 type thing. Better than a 133 home subdivision but not necessarily better than a 30 home subdivision. Would like to see the formal application. The fencing is not to keep people in but to keep horses in with possibly a more substantial fence around the lake side of the property to keep people in. 50 unit campground in the plan. She (Alex) appears to be willing to work with the Island Lake residents. We need to protect our neighborhood.

Also of note, unrelated to this, Smith questions if the intersection at Williamsburg/Elk Lake Road and M72 can be addressed. The answer is no – it is not the township's to address.

John Mater, 302 Island View Dr., President of the Island Lake Association. Six weeks ago we likely saw the same presentation that the PC saw. A large number of association residents are leaning in favor rather than against. She addressed the sound and lights issue in that the horses do not like lights and noise. The shows will be primarily during the day. The biggest pro from most of the residents is that the reality is that the land will be developed, a housing development is a possibility. I think it is more likely that people in a housing development are more likely to come to Island View Drive and the lake than the horse show participants. Golf carts are used to move the people around during the event. There will be trucks coming and going before, during and after. She addresses the manure issue. Lots of water will be used but most is for dust control and from what I have calculated it will not have an impact on lake levels. All water used for cleaning horses, etc., will be taken off site. Campground sites will have water and electricity and they will use a "port-a-system", taken off site for the waste from the campers, which is less impact than there would be from 25 – 30 septic tanks. Something will be developed there. With this, 9 months of the year it will be unused. The majority of the residents appear to be willing to live with this, more so than a large housing development or a commercial campground. "Choosing the lesser of all evils." Alex indicates that she will be at the PC meeting in December with new plans by then. The Island Lake Association has not

taken a position on this. This is a personal observation of the majority of the residents. Steve Fox, attorney with Bishop and Heinz in Traverse City, here on behalf of the several property owners, who do not have a position yet. Was asked to conduct a fact finding mission to determine where this is in the process. It sounds like formal plans will be presented at a later time, after which time the ZA or this body will determine if it is a use by right or something else. I will note that it has been difficult to learn anything about how this proposed use will fit into the township because your zoning ordinance is not available on-line and wasn't available for me to pick up today. The Supervisor indicates that he will make sure I have that zoning ordinance next week. It is critical that everyone in the township knows what the current regulations are regarding this proposed use. The ZA will be available at the township on Monday's only. In the absence of the ZA, who will be responsible for making decisions? Mangus: My understanding is that the ZA will be making decisions and working with the Board as necessary until he is replaced. Even with a use by right it doesn't mean they have a right to do anything, it simply is a matter of whether the PC is reviewing the proposed site development under special use permit or a PUD or the ZA is reviewing all the plans and the compliance under his authority as the ZA. Either way the plans will be reviewed and issues will be addressed to protect the surrounding area community and surrounding neighbors. It sounds like they (HSBtB) will try to work out an amiable situation between the local residents and their (HSBtB) use. One of their issues is also noise. Fox: Will plan to see you in December.

Karen Ferguson: The ZA made a decision on November 2, that it is a use by right. It looks like he has made a decision and our option is to address the ZBA on appeal. The Supervisor indicated that the ZA has made a decision, an appealable decision. As members of the public we need to know when the decision is made so we can file an appeal. Mangus: My understanding is that he has not gotten all of the information but based on what the ZA has received, he feels it is a use by right. Ferguson: If the ZA has made a decision and we will need to file an appeal, we only have seven days to file the appeal. Mangus: Formal site plan information and application has not been presented. You will need to address the Board regarding an appeal. With an absentee ZA we need a process. Ferguson would like immediate notification of the ZA's decision and a point person for contacting. Mangus recommends to contact the Supervisor.

Fox: For confirmation, the township has not received a final application / details but based on the information that has been received, certain people are leaning toward a use by right. Mangus: If things do not change from what has been received it is being viewed as a use by right by the ZA. Link: We will not have it presented to us unless the ZA and the Board would tell us to handle it. There is a Board meeting on Tuesday the 11th of November.

Mangus: As to Mr. Mater's opinion of what he has perceived of his neighbors, I think this is the lowest impact, most favorable adjacent neighbored use the Island Lake community is likely to see on that property. Purely an opinion. We will keep everyone as informed as possible. At this point the go-to person is going to be the Supervisor for the status of the ZA and on this project, pending the Board meeting.

Lawson: As of Thursday, the ZA had not made a final decision.

Old Business

1. The Master Plan Draft was received this afternoon. Grammatical corrections, etc., have been made. Discussion regarding maps, labeling, graphs and aesthetics. Hold off until Dean can get the final Draft together and to us.

Public Comment: None.

Next Meeting: December 3, 2014 will be on the agenda.

Commission Discussion/Comments: None

Adjournment: 8:04 p.m.

Respectfully Submitted
Lois MacLean,
Recording Secretary