

DRAFT
WHITEWATER TOWNSHIP PLANNING COMMISSION
SPECIAL MEETING – MASTER PLAN
MINUTES OF FEBRUARY 15, 2012, SPECIAL MEETING

Call to Order by Zakrajsek at 7:00 pm

Roll Call: Boyd, Zakrajsek, Link, Mangus, Dean, Lyons, Miller, Recording Secretary-MacLean, Zoning Administrator-Meyers, + 13 audience

Absent: None

Set/Adjust Agenda: None

Conflict of Interest: None declared

Public Comment: Jim Snider 8316 Old M72: Looked at the changes on the Master Plan and looked at the survey. The 2009 survey numbers say everything should stay the same so there shouldn't be very much change at all. Everything is supposed to give you an idea of what the people would like the township to be like. The township board has gone against it by putting in water in downtown Williamsburg. They keep on pushing things that people do not want. People said they do not want the 'burg developed. I think this plan is heading the way of more restrictions. As I am sure you are aware, I have first hand knowledge. I want to give you a little piece of advice: you are getting info from Leslie Meyers on how to do these things and what to put on these maps and what to do and I have first hand knowledge of the unlawful, illegal things that have been done by Leslie Meyers, perjury is one and I have a sworn affidavit that says she easily took pictures from public land and private land surrounding my property to use against me in court and that is not possible because I have a 6 foot 8 inch fence and she took pictures inside the fence and 5 to 7 of the photos you guys are using against me as far as the junk ordinance is. This is zoning. Just voted on a policy procedure. Since she has been here she has done so many different things, FOIA requests. Zakrajsek: is this about the Master Plan or about Leslie Meyers? Snider: I am giving you advice that the people you are being consulted with advice on these things is not doing her job, she is a key figure in what you guys are doing right now. Zakrajsek: sum it up for us, you are past the three minutes. Snider: I am letting you know there are things going on by a person here that is not giving information as requested by law, is saying things in court that are not true and I've got all the evidence of it. This is not something we need a zoning administrator, taking advice from this person and you really need to stop and look. Got an e-mail without the attachment. Did calling around and found out that mostly everyone got it but some did not. Then got the e-mail with the attachment. She has to have two separate lists for e-mails. She should have one list, not multiple lists. You can see what is going here, if people are not getting the same thing at the same time, why does she have two different e-mail lists or multiple e-mail lists. There are things missing on the website. There's nothing on there about the village, it's not on there. How can people get the information if it is not be provided or it is being played with. You really better think about what is going on, this is not even 2 percent of what is going to be coming out here real soon.

Mangus: 1214 Cerro for Steve: -Public Comment in form of letter, read by Kim Mangus, attached.

Special Meeting Business:

Master Plan, specifically the Future Land Use Map and Plan continued from 2/8/2012 Special Meeting. Recap Goals, then description of Future Land Use and then the Map.

Goals and policy was discussed with the attorney.

Attorney looked over all of the sections. Satisfied with section 1. Part 2, only concern was with #1, it is very, very difficult to define individual, it forces you to determine which individual's property rights you

are respecting. Eliminate the word individual and you are respecting property rights and property protections. Other than that he was very satisfied with the goals.

Zakrajsek: Would like to finalize this section.

Mangus: What was his opinion on including property rights as spelled out in the Federal and Michigan Constitutions?

Meyers: Attorney feels that it should include all or none and there are a lot of attorney general opinions, supreme court and felt it does not need to be there.

Mangus: Just put in without citing a specific section?

Meyers: He felt that respecting the rights of property owners is the best way to go. Can get something in writing from him if the commission would like that.

Mangus: I would like to see Private property rights somewhere in this document. Noting that Meyers has successfully removed the words previously.

Meyers: I did as was directed by the board.

Boyd: Don't see much difference between private and individual. We need to respect his education and his advice. Motion to strike individual.

Mangus: The difference is in the definition. Real property, protection of your real property rights.

Boyd: This is going to go to the public. Put it in the hands of the public.

Link: We are talking about zoning, If we are just talking about individual property rights, why have zoning. We do not want to alienate the rest of the goals.

Mangus: There a lot of other goals, nothing specifically addresses private property rights. Maybe I am looking at it from a political perspective. The public will speak up.

Meyers: Attorney said the goals are very good, broad and general is best, the more specific they are the more difficult it is to defend.

Motion by Boyd to accept the correction and take out individual and adopt the remainder of the goals section, seconded by Dean. Roll call vote: Zakrajsek-yes; Miller-yes; Mangus-no; Link-yes; Dean-yes; Boyd-yes, Lyons-yes.

Motion carried, 6-1.

Future Land Use Plan, Part 5: Map in the hands of the commission is slightly different than what was in the e-letter because nothing had been agreed upon.

Meyers: Read through the changes in the first part. Attorney had no problem with it in there or with eliminating it.

Zak: **Consensus on the first part.**

Meyers: Another question was asked: can we just adopt the current zoning map as the Future Land Use Map, it can be done but then you would have to change the goals.

Zakrajsek: Does the survey match our goals?

Meyers: With the survey we didn't know what those goals were kind of a loaded question.

Dean: I've heard one specific one come up, what did people say in regard to the Future Land Use Map, was there a consensus in the survey?

Meyers: The answer is no.

Dean: I don't see it and there are some folks talking like the survey gave definitive answers regarding Future land use.

Zakrajsek: The questions were broad. We will have comments made, but are we aligned?

Link: We need to align our goals with what the people say they want.

Mangus: As much as I would like the 5 acre issue changed, it is not what was indicated on the survey.

Dean: It does not sound like a resounding opinion one way or the other. This is a plan, a plan that is going to be vetted and torn apart then come back to us. There is going to be more covered

Zakrajsek: We need to stay consistent within our form.

Link: We talked about leaving it where it is, why not? It is at 5. Leave it on this map at 5 acres and let it be vetted. We're not changing AG, not changing the south, only the middle section.

Dean: If we just want to make it a majority rule, let a percent speak for the community, our job gets easier but I don't we are doing our job. We have a charter to make good decisions for the community. I'm not for looking at the survey for "majority rules". We must represent the community.

Link: It does point in that direction.

Mangus: Those are areas that need input.

Boyd: Attention has been brought to the public via Whitewater Watch and the Township's e-letter and with that we have made an attempt to bring out public input. You can keep asking until you get the right question. In this case we have had one input and we are trying to do our best. I think at public hearing we will have input. We will listen to what is said and if we need another public hearing we will. The board itself may very well do a public hearing. We should be able to get public input.

Mangus: Agree

Zakrajsek: We will approve to go to public hearing

Boyd: At the board level we used to have a vote and then a public hearing (comment), we have reversed that at the board level so we get input and then vote, table, move ahead or move back.

Mangus: There can be difference in when the public comment / hearing is vs. when the vote is.

Recreation Conservation (rec/con).

Link: We were going to take out public and private. How are we meeting these two lofty goals in Recreation/Conservation? Is there a size limit? There is no definition.

Meyers: Remove "private". Preserving rural character and encourage recreational hunting. It can be increased, decreased or remain the same.

Zakrajsek: This is in the future land map. Falls under the current zoning of RC1.

Meyers: In some cases sizes were included, we can leave them in or take them out. It would be part of the zoning to define sizes, uses, etc. You may allow for rec/con remains public lands, you can consider the state lands in the north.

Boyd: Do we put in there about acreage at application.

Link: Some areas we give a size and some areas we do not. It would be simpler to not define until later. Then when a zoning public hearing comes up it would get more scrutiny, more in-depth discussion.

Mangus: What is the point of not putting in acreage? Too vague.

Dean: Reference what it is currently. Putting restrictions on acreage and use of the public lands.

Link: Here's our goals, they are pretty broad, then we can discuss at the individual level. More scrutiny at the individual zoning changes. This is a direction, not detail.

Mangus: It doesn't say if it is a risk for their property. I do not have a say in what my neighbors can do with their property.

Link: This is a potential future land use. Have a time-line. Maybe in the future we define more in-depth.

Mangus: Some can come in here and say I want to put in a restaurant, etc. they can apply for the zoning change, based on this map. It would be rezoning a piece of land.

Dean: What difference does this make? The zoning has not changed.

Mangus: They can base their request on this future land use map, but they do not have the grounds with it on the current map.

Zakrajsek: Let's get through recreation, RC1, verbiage changes.

Link: Are we going to put sizes on them?

Zakrajsek: One section at a time

Mangus: Size on all or none, for consistency.

Link: Potential zoning, we are talking about the verbiage, we will talk about the map later. Let's get through this. Sizes or no.

Zakrajsek: We are not changing zoning.

Dean: Refer it to what is currently in place, we suggest it with that in mind. ONLY public lands currently in this category. RC1 will be the basis for future consideration. It allows you to look at this as a

stand alone document. Consensus to change the last sentence, only public lands are included in this category and include an additional sentence, that all lands in this category are currently (2/2012) zoned under RC1.

Meyers: Should we reference these as RC1 and 5 acres and include the various parks and public lands in the north end of the township?

Boyd: It is public land now but what if we have to sell the land? State land can be traded. Township land can be sold.

Mangus: Should the board be stuck with the same rules?

Boyd: Yes, no problem. Are you going to put acreage on the ag also.

Link: Make one broad statement.

Link: No size specifications at this time.

Dean, Miller: Agree, keep things moving.

Boyd: If the public does not like it we will know. Striking the size limitations on it holds out, so be it.

Link: We have a plan at that point no matter when it is further defined.

Dean: Can we just say it is envisioned that only public lands would be included. The vision for this is reflected on the map for RC1.

Link: Potential land use category.

Meyers: Easy to change the map to include all public lands. Samels Farm is a conservancy.

Mangus: We are simply designating public land as public land. Preserve current recreation opportunities.

Boyd: Then you just put a collar on the newly formed committee that is working on parks and recreation if not broadening the recreation opportunities.

Meyers: If they came forward with proposals, they could ask for rezoning if necessary. Plans are plans, and plans change. It could be rezoned in the future.

Zakrajsek: Broadening? Is it doing anything negative?

Dean: It is envisioned that only public lands are included (last sentence)

Consensus: Recreation/Conservation.

Agriculture:

Zakrajsek: Take out "ought to be".

Boyd: Activity is farming.

Consensus on agriculture

LDSFR- Low Density Single Family Residential:

Meyers: based on comments it would be appropriate to take out the first line regarding size. Based on that it would not really fit in the north of the township. It would define the lands currently in the RC in the south. Maybe there would be some currently in the orange that could be checked. As reviewed by the attorney: this is definitely not spot zoning. Residential uses are already in that area. No problems with LDSFR.

Mangus: When you take out any definition of size and space it does not give someone clear information. In some areas we need to address size.

Link: Propose getting through all of these and then come back to sizes

From the Audience, permission for public comment before he has to leave: Gene Veliquette: 8369 Elk Lake Road like the broad generic goals of growth and economic development. One concern, taking out individual, we need rights protected, no one in individual in particular. In Acme: growth has been less than projected. Looking at the age groups, it is troubling, population is aging. Basic problems, describing a wonderful thing. Vote without knowing what the rules are. If the rules for each zone are in detail then they can decide for themselves. Everything is encouraged but there is no time line. It just seems unreasonable for people to not know the rules. Vote to play the game and then find out what the rules are."

Dean: Say surrounded by, lands to be characterized by adjacent public lands.

Link: LDSFR what is large?

Boyd: Take the last line out, after “township’s rural atmosphere”.

Mangus: Change it to exists. Think sentence #2 says all that needs to be said, that and the last line.

Miller: Everything we would need to say is there.

Mangus: Without the size requirement, a lot of it is moot.

Dean: Take out which are, change to is. Strike the next sentence in the entirety and the last line., with or without the word woodlands.

Link: Woodlands is too restrictive in description. . . township rural atmosphere info needs to be there.

Consensus: LDSFR as read by Meyers: is planned for areas where conservation use is designated. Areas slated for LDSFR are characterized by adjacent public land.

MDSFR-Medium Density Single Family Residential:

Meyers: Consideration for areas currently zoned ag but not used as ag. South of M-72 and the RC1 district, heavily residential. It appears to not be good for ag. Call it what it really is. Could give some reassurances that the probability of a large farm is not going to happen. No large farms are in that area.

Mangus: Current stables and related farming activity, there are people who do ag activities.

Meyers: Current rules stands, in the R1 district, you can have those activities, 2.5 acres. It would allow those already in existence to stay.

Link: Property ownership change? State law?

Meyers: No state law, it is our current zoning. There are other ways to deal with people not following GAMPS or best use. You can have a quarter acre and farm.

Mangus: Strike the first and last sentence. We are not designating size.

Dean: Stating why this change? How do we get that into this so public have an explanation? It is intuitive. How do we get info in there so the people understand the rationale behind the plan?

Boyd: The only solution is that the presentation at the public hearing/comment give these types of presentations by Meyers or Zakrajsek at the start of the meeting.

Link: Could add notes to the appendix, putting in additional information

Miller: Can it be in the appendix?

Link: Explain once and be done.

Boyd: Include a justification for each of the changes, italics or note.

Link: General question: MDSFR, new labels for what it is currently?

Dean: We use the title as the description start with this designation, same thing with the low density.

Meyers: Those corrections can be made, keeping consistent throughout.

Dean: consistent, uniform

Consensus: Meyers: read through MDSFR wording

HDSFR-High Density Single Family Residential

Meyers: Start with waterfront residential, explained why we should address waterfront. Currently there are several areas that are water front. This map shows only actual water front property but the areas surrounding the waterfront properties are small lots and are R1. These are areas that are not really conducive to high density but they are already. Most created before zoning, health dept, etc. The exception of Wintergreen heights, every time R1 was used it is waterfront properties. Don’t want to make the ones that are already there non-conforming just by changing designation. What these were and what these are to be defined as what they are. To identify waterfront property as what it is and what the surrounding ones are.

Zakrajsek: Some Wintergreen Heights lot sizes are small and would need to fit into the HDSFR.

Link: If I read waterfront residential, I don’t see anything that does not fit in the HDSFR. Is the entire lake- front platted? Why won’t waterfront fit into high density?

Zakrajsek: Agree

Dean: Smaller lot sizes along the lake

Link: What if your house burned down on small lot, can you rebuild?

Meyers: As long as you can meet set backs you can rebuild.

Zakrajsek: County steps in on that.

Link: We are not restricting people who are there now.

Boyd: Township is blessed with lots of waterfront property, but there are a lot of different waters, we should have some designation of those areas, even if they fit in the other categories. We should address waterfront properties as such.

Meyers: Calling it what it is. A gentleman has been asking questions on his land. Property just off the water are HDSFR, by right he could have 8 lots on his 4 acres. He would be constructing a road, provide well and septic and respect the smaller lots with separation distances. Did not take rights away but would still have to meet other zoning, rules and laws already in place. The perceived rights of what they currently have could be taken away.

Mangus: What is the benefit of being two different zones. Looking at it just confuses me.

Meyers: Could remove

Dean: HD and ultra high density, trying to accommodate.

Mangus: Some of the current sites are already much smaller than the HDSFR.

Link: We do not have to make the creek-sides waterfront, only the lakes, etc.

Mangus: Drop the creeks, make all the property around the lakes

Miller: Thought process on creeks

Meyers: These water fronts are feeder creeks to the lakes.

Boyd: HDSFR/waterfront can it just be combined?

Meyers: Most of the larger areas at the south end of the lake is the natural area.

Link: Respecting what is there and designating future

Boyd: The verbiage?

Link: Going back to high density

Boyd: Not combine them?

Mangus: Strike the second line. This designation is planned for areas with adequate roads. Use the third and last sentence and strike the rest.

Link: Waterfront and HDSFR need lots of work on the verbiage

Zakrajsek: Include water front in the HDSFR

Link: Respect what is there

Mangus: Do the map and then come back and make adjustments to the verbiage. Including creeks, not including creeks, come back and pick up again.

Boyd: Move on to multi family. Let this sink in first.

Link: Huge difference between mixed use, LDSFR and MDSFR, not going to change density, really.

Consensus: remove the first line and the last line, strike "and areas which will be served. . ."?

Multiple-Family Residential

Meyers: A category can be there

Link: This could fit into high density if it was restructured that way.

Mangus: If you are not putting in sizes

Zakrajsek: Multiple-family combined with High density does not seem like a good combine.

Mangus: Mixed use in house, bakery, duplex

Link: Duplexes are already included in the residential. Mother-in-law-buildings.

Zakrajsek: we did not get through what we wanted to. Need to get to the map.

In closing when we come back to this, we have several other items that need to be addressed. We are getting there, moving forward. Have to keep in mind it is a plan, a proposal. Lays ground work for zoning, personally believe it lays very little ground work for zoning. We have worked hard on this. We'll work on this and then send it to the board.

Next month meetings: First Wednesday of March, camps and fences need to be addressed this spring. Camps, fences and then if we have time to continue where we left off tonight, then bring it all back for review.

Boyd: As the board representative I'm telling you if we can't get through all of this and we pass it on, the board may have a serious problem with NOT having it done. We need to move it forward as "complete".

Regular meeting then we will discuss more meetings at that time. Bring availability for March. We are getting close.

PUBLIC COMMENT:

Boyd: In response to Mr. Veliquette's comment: you have to know the game you're playing before you can set the rules.

Snider: Where is the mobile home park, it is not on the map? (It was inadvertently missed on that version of the proposed map.) Fences: Can anyone tell me why stockade fences are not allowed in the village district? Mangus: discuss that during our fence meeting.

Vaughn Harshfield, 4404 N Broomhead Rd. You have a rough job. That's why we had a survey. 55%, 10%, any % is valuable. No matter how long ago it was it is still appropriate.

Benak: 8190 Bunker Hill Rd. Interesting things heard. Keeping common sense in the Master Plan and fairness. Ironic, Ag is allowed to split property in a rural area that used to be ag. You can have as many horses on a 2.5 acre parcel, but you have to have 5 acres to build a home. The survey was not supposed to be the only thing you paid attention to, do more research. What sections of this township are being split up into what. Take a close look at it.

Motion to adjourn at 8:58 p.m. Boyd, by seconded by Lyons. MOTION CARRIED.