**WHITEWATER TOWNSHIP PLANNING COMMISSION**
**Whitewater Township Hall, 5777 Vinton Road, Williamsburg, MI 49690**
**231-267-5141 Phone**

# REGULAR MEETING
# APPROVED MINUTES
**Wednesday, July 2, 2025, at 7:00 p.m.**

There was no Zoom service due to technical difficulties.

**CALL TO ORDER:**
Vice Chair Stratton called the meeting to order at 7:00 p.m.
The Pledge of Allegiance was recited.
A microphone check was done.

**ROLL CALL:**
Secretary Peltonen called Roll.

**Present:**
Rene Stratton, Vice Chair
Denise Peltonen, Secretary
Carl Wroubel, Member
David Boesler, Member
Sadie Merchant, Member

A quorum was established.

**Absent:**
Keith DeYoung, Chair (Excused)
Randy Mielnik, Township Board Trustee (Excused)

**ALSO PRESENT:**
Zoning Administrator Deb Graber
Recording Secretary Kay Held

**SET/ADJUST AGENDA:**

**Board Action:**
Mr. Boesler made a motion to approve the Agenda as presented. Ms. Merchant seconded the motion.
VOTE: YEAS: All. NAYES: None. Motion carried.

**DECLARATION OF CONFLICT OF INTEREST:** None.

**PUBLIC COMMENT:**

Mr. Josh Morgan, 6130 Cook Road, Williamsburg, MI 49690: Mr. Morgan noted his 16 years as a Winemaker, experience on the Board of the Michigan Wine Collaborative and strong understanding of the licensure process. He supports an Ordinance to regulate wineries in the Township and encouraged the Planning Commission to conduct research in other municipalities that have wineries.

As Fire Chief of Whitewater Township, he would like to be involved in the Resident Outreach Subcommittee (ROS) regarding Short-term Rentals (STRs). Through the 2018 IFC Fire Code, the Fire Department has the ability to inspect STRs. This is not currently being done; however, should be included in the Ordinance to ensure safety.

Ms. Kim Mangus, (address not provided): Ms. Mangus encouraged the PC to make a decision regarding the AIS rezoning request. She does not support the zoning changes; however, is supportive of AIS being able to use their property through a Conditional Rezoning, which is something they offered two months ago.

The Township has a new Zoom system; however, there is no Zoom service tonight, and there have been glitches in the past. There are other options that can be utilized. Every meeting should be available to the public.

Mr. Jerry Tomczak, 408 Cedar Street, Elk Rapids, MI 49629: Mr. Tomczak opposes the AIS rezoning request, owns property directly east of AIS and believes his property will be adversely affected financially and aesthetically if the request is approved. The recently approved (2/25) Master Plan does not show the property as being zoned Industrial. If it is approved, he will request a buffer for the west side of his property. Vacant property nearby used for pipe storage has no zoning or variance applied to it and is non-conforming. He made a formal request that it be brought into compliance.

Mr. Charlie Davis, 8500 Crisp Road, Williamsburg, MI 49690: Mr. Davis understands that an agreement may be under consideration that if AIS leaves the property, it would revert back to its original zoning; he inquired whether that would still be the case if AIS sells the property. He believes if that is the case, it shouldn't be rezoned in the first place.

He inquired whether the Fire Chief's discussion on hiring someone was before the PC or the Township Board. Ms. Stratton indicated it was before the Township Board.

Ms. Heidi Vollmuth, 8388 Winnie Lane, Williamsburg, MI 49690: The calendar outside was changed but not with a Resolution; it was initially set with one and should be changed with one.

The MTA book and Open Meetings Act (OMA) are full of important information, and she encouraged the PC to refer to them. She believes one of the PC Members has a conflict of interest.

Taxpayers paid for the Zoom equipment, and she does not understand why no one can get it to work. She requested "Zoom Discussion" be put on the next Agenda. There are many people who wanted to watch on Zoom, but cannot, and they are not happy.

Mr. Charlie Davis, 8500 Crisp Road, Williamsburg, MI 49690: Mr. Davis referenced the Township website and difficulty locating the Planning Commission Agenda.

**PUBLIC HEARING:** None.

**APPROVAL OF MINUTES:**

**Regular Meeting of 6/4/25:**
Amendments: None.

**Board Action:**
Mr. Wroubel made a motion to approve the June 4, 2025, Regular Meeting Minutes as presented. Mr. Boesler seconded the motion.
VOTE: YEAS: All. NAYES: None. Motion carried.

**CORRESPONDENCE:**
Correspondence was received from Ms. Rachel Steelman regarding "Correspondence Management."

A memo received from Township Clerk Wendy Hoeksema regarding how correspondence is handled was received by the Planning Commission, which Ms. Stratton read aloud. In short, it stated that all correspondence becomes part of the public record. Comments may be shared with the appropriate Board or Commission but not all will appear in a meeting packet. Packets include documents directly related to Agenda items; due to high volume, not all emails or letters can be included. Only comments made during meetings are included in official Meeting Minutes. All correspondence is available upon request under FOIA. The Clerk retains all correspondence received.

Vice Chair Stratton reported she was notified by a PC Member who had been contacted by a concerned citizen. After conferring with the Clerk, she advised PC Members to inform individuals that their message will be forwarded to the Township Clerk. PC Members may suggest individuals attend a PC or Township Board meeting and speak during the Public Comment portion of those meetings. Emails or text messages should be forwarded to the Clerk.

Mr. Wroubel stated he received a call from a citizen with a concern about a property next door to the caller; he referred the individual to the Zoning Administrator. He also contacted the ZA about the call.

Vice Chair Stratton advised Mr. Tomczak that formal complaint forms are available in the Township Hall.

**REPORTS / PRESENTATIONS / ANNOUNCEMENTS / COMMENTS:**

**Zoning Administrator – Deb Graber:**
ZA Graber's May report was in the meeting packet. She additionally reported nine Land Use Permits were issued last year. YTD, 49 have been issued. She has received a few more complaints. A misdemeanor citation was issued today on a short-term rental property.

Ms. Graber's report includes Zoning District Regulations (Article 4) indicating what is allowed for every use of any lot, building and structure. It also includes information on Uses Permitted by Right and Special Land Use Permits.

She had a Special Land Use Permit request and three Amendment requests come to her office last month. A ZBA Appeal is scheduled at the upcoming ZBA meeting on 7/24/25 regarding two non-conforming properties.

The 8/6/25 Planning Commission will hold two Public Hearings. One is on the STR Ordinance Amendment proposed by Ms. Rachel Steelman. The second will be to review a discrepancy on Planning and Zoning Fees that differ between two documents.

**Chair – Keith DeYoung:** No Report.

**Township Board Representative – Randy Mielnik:** No Report.

**ZBA Representative – Carl Wroubel:**
Mr. Wroubel reported a letter was received from Township Clerk Hoeksema regarding the Township Attorney's Written Opinion on the Baggs Road suit. He stated the following:

-The Township Board was correct in allowing the variance to go to the ZBA.
-The ZBA applied the correct standard from the Land Division Ordinance.
-The ZBA procedurally complied and can grant the variance later in time, after the initial land division.

The Court finds the ZBA made the decision correctly but is not convinced the argument was complete and thorough to justify the decision and referred it back to the ZBA to provide more information as to its thinking in its final written decision.

ZA Graber asked to comment on this matter. She stated the matter is on hold, and the attorneys will be guiding the ZBA on the next steps after 35 days have passed. The ZBA's Findings of Fact were insufficient.

**Committee Reports:** None.

**Additional Items:**
Secretary Peltonen spoke with the engineering firm regarding the proposed Road Ordinance. They can assist the PC in drafting an Ordinance and/or consult further on in the process. It was suggested the PC determine what level of assistance to request. Ms. Stratton noted that Giffels-Webster may also be able to provide assistance.

**UNFINISHED BUSINESS:**

**AIS Letter:**
Vice Chair Stratton referred to the proposed Conditional Rezoning Agreement in the meeting packet regarding the Behrenwald Realty/AIS request. Township and AIS attorneys consulted to discuss this matter. Ms. Stratton noted the Planning Commission cannot add Conditions to a Zoning Amendment; however, property owners may create Conditions. These are included in the proposed Conditional Rezoning Agreement. Ms. Stratton noted the Conditions presented in the document (Section 1(a) – Conditional Rezoning). There was discussion among the PC clarifying that regarding Voluntary Termination/Reversion (Section 7), the developer shall have the right to voluntarily terminate the Agreement in writing. If so, the property shall automatically revert to its former zoning classifications. Additionally, if the Conditions are not met or are not in conformance, the property will revert to its prior zoning classifications. Drawings of the property were also reviewed with Mr. Kraig Johnson, representing AIS Construction.

**Board Action:**

Mr. Boesler made a motion that the Planning Commission recommends the Conditional Rezoning Agreement from Behrenwald Realty/AIS Construction to the Whitewater Township Board for approval as presented. Mr. Wroubel seconded the motion.

There was additional discussion.

Mr. Boesler withdrew his motion.
Mr. Wroubel withdrew his second to the motion.

**Board Action:**
Ms. Stratton made a motion to recommend that the proposed Conditional Zoning Agreement between Whitewater Township and Behrenwald Realty, which rezones the indicated property to N-1 (Industrial), with voluntary Conditions described in this Agreement, be approved by the Township Board. This recommendation is supported by the following findings.

1. The proposed rezoning is consistent with the 2025 Master Plan. Specifically, the planning strategy for this area includes three points – to review the uses permitted and development standards; to review the boundaries of the Industrial District (N-1) and it expresses the policy of discouraging truck access to Crisp Road (which is unpaved).
2. To reduce potential impacts on neighboring property, the applicant has amended the rezoning application to limit the expansion of the Industrial Zoning district such that the Agriculturally zoned (A-1) area remains unchanged to a point that is 295 north of Crisp Road (and parallel thereto) and the Residentially zoned (R-2) area remains unchanged to a point that is 600 feet north of Crisp Road (and parallel thereto). Further, the applicant has voluntarily offered a Conditional Zoning Agreement in writing limited future land use activity.
3. The Planning Commission will soon be undertaking a review of permitted uses and development standards and zoning district boundaries in the N-1 District as part of work about to begin with its planning consultant.
4. Encouraging Economic Opportunities and Preserving Rural Character are two planning principles in the Master Plan. The proposed rezoning results in community investment that helps anchor a major local employer in Whitewater Township with additional facilities and by providing new training/educational opportunities. Further, residents have indicated that heavy equipment use and repair are greatly linked to various local agricultural operations.
5. The applicant has demonstrated a willingness to install berms and take other measures to reduce noise and light spillover when a Site Plan is provided.
6. The Planning Commission has reviewed this proposed Zoning Amendment in the context of Section 21.05 of the Zoning Ordinance. This section points to the need to consider factors such as Master Plan consistency, Zoning Ordinance intent and purpose, road system safety and efficiency, utilities, changing conditions, potential exclusionary issues and site conditions.

Mr. Wroubel seconded the motion.

ROLL CALL VOTE: Merchant-Y, Boesler-Y, Wroubel-Y, Peltonen-Y, Stratton-Y. Motion carried.

Ms. Stratton stated the voluntary Conditional Rezoning Agreement will now move to the Township Board for their review.

**Wineries and Tasting Rooms Ordinance Review:**
Ms. Merchant prepared a revised proposed Wineries and Tasting Rooms Ordinance to Planning Commission Members with proposed edits by Mr. Mielnik. She had also emailed links related to this subject. Midway through discussion, the PC noted a previous version of the proposed Ordinance was in the meeting packet, not the copy with additional revisions that Ms. Merchant distributed.

The PC held extensive discussion about the material in the packet. Wineries, Cideries and Tasting Rooms should be included in the Definitions section of the Ordinance. The verbiage of these Definitions was discussed. Michigan Liquor Control Commission (MLCC) requirements were also referenced.

Members addressed comments that Mr. Mielnik had made on the packet document and verbiage, and they offered additional edits to the material's content. Additionally, the PC discussed the following items:

| | | | |
|---|---|---|---|
| -Permitted Uses | -Setbacks | -Maximum Outdoor Capacity | -Fire Capacity |
| -Intent | -Parking | -Tasting Room Sizes | -Farm Acreage Minimum |
| -Minimum Requirements | -Noise Levels | -Maintaining Rural Character | -Event Restrictions |

Ms. Merchant will make the additional modifications in her updated draft version of the document. The PC will review this again at the next meeting before making any recommendations for moving forward to attorney review and Public Hearing.

**ROS (Resident Outreach Sub-Committee) Status:**

Review of Applications:
Applications were received from the following individuals for the ROS:
-Ms. Barbara Dean -Ms. Rachel Steelman -Mr. Rodney Kuncaitis -Ms. Heidi Vollmuth

Applicants have a tremendous amount of experience, several of whom have a background with the Planning Commission or Township Board.

The ROS will provide data and research for interpretation by the PC. The Planning Commission will then make decisions for writing an Ordinance. The ROS is not subject to the Open Meetings Act; however, members of the public are welcome to attend their meetings. There are no Public Comments or Public Hearings at ROS meetings.

There was discussion whether the size of the candidate pool was adequate. There was consensus that the PC would like to have a larger group of candidates from which to draw as the ROS is assigned. Another posting will be distributed in the following outlets:

-Elk Rapids News
-Traverse City Record Eagle
-Mill Creek School
-Facebook
-Whitewater Township Website
-Elk Rapids Chamber Notes

PC Members will review the applications received thus far. The PC will revisit this subject at the August meeting.

**Online Zoning Survey and Zoning Audit (Copy in packet):**
A copy of the Whitewater Township Zoning Ordinance Audit conducted by Planning Consultants Giffels-Webster was included in the meeting packet.

PC Members will review the Zoning Audit provided by Planning Consultants Giffels-Webster. Ms. Stratton requested PC Members complete the online Zoning Survey developed by Giffels-Webster. This survey is designed for the PC to prioritize an extensive list of topics/projects the PC plans to work on.

This Audit/Assessment will be discussed at the August meeting, where representatives from Giffels-Webster will join the Planning Commission.

**NEW BUSINESS:**

**Michigan Office of Rural Prosperity – Rural Readiness Grant Application –** Ms. Peltonen:
Secretary Peltonen reported that Mr. Mielnik completed and submitted a Letter of Intent for the Rural Readiness Grant Program. Letters of Intent will be reviewed and applicants accepted for submission of a full application will be notified the week of August 11. If accepted to move forward, the Whitewater Township Planning Commission will be requesting a $50k grant to cover professional planning and engineering fees to update Zoning Amendments.

Secretary Peltonen encouraged all PC Members to notify the PC of any grant opportunities of which they may become aware.

**NEXT MEETING:**
The next Planning Commission meeting will be Wednesday, August 6, 2025, at 7:00 p.m.

**PUBLIC COMMENT:**

Ms. Kim Mangus: Ms. Mangus stated the copy of the proposed Ordinance regarding wineries had Mr. Mielnik's notations covering a good portion of the verbiage. The document needs to be readable.

She noted under Temporary Uses there is a Special Allowance where permits can be issued for special events. This may be a tool for the wineries to hold an event. It is admissible to have different standards for an older or historic building with

closer setbacks as opposed to a new build. This can be written in the Ordinance stating additional "allowances will be made for older existing or historic buildings."

She suggested the PC get a copy of the Noise Ordinance from the Township for reference and to also review County Ordinances and State standards.

Regarding Mr. Wroubel's comment regarding the Ordinance possibly resulting in setting up event barns, not just tasting rooms, she cautioned the PC to be aware of the Ordinance content. She also noted music, as regards noise concerns, should be specified.

**PC DISCUSSION / COMMENTS:**
Mr. Wroubel commended Mr. Mielnik's efforts in the online edits of the Wineries and Cideries document.

Mr. Wroubel and Chair DeYoung have previously requested hard copies of the packets moving forward. Secretary Peltonen will leave five hard copies of meeting packets at the Township Hall each month.

**CONTINUING EDUCATION:**
Conditional Rezoning information from the Michigan Economic Development Corporation (MEDC) was included in the meeting packet.

**ADJOURNMENT:**

**Board Action:**
Mr. Boesler made a motion to adjourn the meeting. Mr. Wroubel seconded the meeting.
VOTE: YEAS: All. NAYES: None. Motion carried.

The meeting adjourned at 9:33 p.m.

**Submitted by: Kay Z. Held, Recording Secretary**