

Milton Township
Planning Commission
Approved Meeting Minutes
September 9, 2008

Members present: Chairman Stilson, Hefferan, Lockett, Cole, Geddes, Merillat
Absent: McKimmy

Also present: Weinzapfel and three audience members

Chairman called the meeting to order at 7 pm.

Approval of minutes dated August 12, 2008:
Typo on Page 2, change date from October 8th to October 14th
Motion to approve the minutes as corrected by Geddes. Seconded by Cole. Motion carried.

Stilson recognized a letter to the Planning Commission from Brett Pharo dated September 5, 2008.

Meetings and announcements:
Forrest Home Township meeting on water quality is September 25th.

Agenda approval:
Move Home Business subcommittee to second item.
Motion to approve the agenda as amended by Geddes. Seconded by Lockett. Motion carried.

Public Hearing for Evans Private Cemetery Special Use Permit:
Owner John Evans would like to create a Private Cemetery to be placed on a two acre parcel (tax number 05-12-018-00-40) to be split from his larger parcel 05-12-018-001-00 of 90 acres. Acting as Agent is Miller Canfield PLC.

There are no conflicts of interest.

There were no letters received and it was advertised in the Elk Rapids News.

Stilson presented the history of the request since the subcommittee met July 23, 2008 to review the application. The property is zoned AG.

Applicant presentation by John Evans:
This property has been in the family for more than 80 years. The spot is all woods and up on the top of a hill and not near any other structures or residences.

Geddes asked if the whole parcel was wooded. Evans said yes. His intent is to leave the area natural.

Questions for information only from the public:

No one wished to speak.

Those who wish to speak in support:

No one wished to speak

Those who wish to speak against:

No one wished to speak

The Planning Commission began deliberations:

Health department letter dated July 29th cleared up many questions. We have a copy of the trust agreement.

Geddes said it meets the ordinance and it should be approved.

Hefferan said it is permitted by state law.

Motion by Hefferan to approve the special use request based on the site plan dated September 9, 2008 received from Gourdie Frasier for John Evans private cemetery pending review by the township's attorney. Seconded by Cole.

Question by Luckett: Does the attorney approve it? No, he will review it. If there was a problem, it would go back to Mr. Evans for questions.

Roll call vote:

Luckett: yea; it is an allowed use based on 117.604-8. Meets all of the requirements. Letter from health department and trust agreement and complies with the Master Plan.

Merillat: yea; based on July 23 site plan review and approval of health department.

Cole: yea: it's allowed by state law.

Hefferan: yea, based on 117.604-8 it meets all township requirements.

Geddes: it complies with state law and all township requirements.

Stilson: yea it meets all of the township requirements.

Motion carried 5-0 6-0.

Home Business Subcommittee Review:

Cole presented the report with new language dated 8/20/08, draft 12. Requiring a special use for customers in a Type A home business has been deleted. You can have up to 8 customers per day by appointment only in a Type A or Type B. Luckett said this number seems reasonable and self limiting. Most people are not going to want that kind of traffic at their house all the time. Cole said it allows the business to grow up to a point of potential profitability and it becomes a viable business.

Bill Murphy of Lake Ave. asked regarding his particular situation where he and his wife do crafts. How is a craft person going to have people stop for an appointment? If he has 8 customers per month, he is lucky. He would never have 8 per day. His customers are drop in. Cole said the goal is to stay residential in nature. But you can not measure that. It is subjective. The only way

to control is to put a number on it and have an appointment. The only way around this is to have a permitting type procedure which would be very costly to a small business. Cole suggested adding appointments “should be by appointment only.” Murphy asked about signage. He does not feel that the 72 square inches is large enough. Cole said currently, they are not allowed at all. Geddes agreed with the idea to add “should” to the appointment request. Cole said if this is done, the number of 8 customers must be fixed. Hefferan asked about the use of the word “should” and its use in the rest of the ordinance. He suggested leaving it as only 8 customers are allowed per day. Keith Termaat asked about parking. Cole said that is addressed on a Type B business. The subcommittee will meet September 16th at 8:30 am.

Signs Subcommittee Report:

Last month, language was given to the commission members for their review and comments. Luckett said this is not ready for a public hearing because there are open issues on which she is requesting feedback. Luckett addressed the issues brought up in a letter from Brett Pharo. Geddes said he feels that this language is softer than it used to be. Luckett said she has streamlined the document and tried to make it more reader-friendly. The one area of concern is seasonal AG signs and off premises signs. Luckett suggested having a work session of the whole planning commission. Luckett suggested having one more subcommittee meeting and try to narrow the scope of the open issues. The next meeting will be September 16th at 10am.

Weinzapfel suggested making this document available for review after the 16th. It is possible to put the draft on the web site.

Ordinance Review Subcommittee:

As presented by Geddes in a report dated Sept. 9, 2008.
Met 64 times. Next meeting is TBD. Presently discussing 18 open issues. Chapter drafts for the underlying zones have been circulated. An updated version of chapter V is being circulated. Geddes also presented a proposed table of contents for review.

Non conforming Lots Subcommittee

As presented by Geddes in a report dated Sept. 9, 2008. Two meetings have been held to date. Next meeting is Sept. 30th. Considering the possibility of an overlay zone or other way to provide dimensional relief for those owners of small non conforming lots.

Bylaws Subcommittee Creation
Stilson, Luckett and Merillat.

Meeting adjourned at 8:35 pm.

Respectfully submitted,

Joseph Merillat
Secretary