

Milton Township  
Planning Commission  
Approved Meeting Minutes  
July 14, 2009

Members present: Chairman Stilson, Hefferan, Lockett, Kingon, Kopkau, and Merillat.

Members absent: Cole, excused.

Also present: Weinzapfel and three audience members.

Stilson called the meeting to order at 7 pm.

Approval of past minutes dated June 9, 2009.

Motion by Hefferan to approve the minutes as presented, seconded by Kingon. Motion carried.

Meetings and Announcements:

Workforce Housing Solutions Workshop: Aug. 10 at Charlevoix Public Library at 7 pm.

Ag Base Zoning Right to Farm Act Workshop August 31<sup>st</sup> in TC at 6 pm.

Home Business Public Hearing will be August 11, 2009.

Lakeland Tower Leasing is not requesting a public hearing at this time.

Agenda Approval

Motion by Kingon to approve the agenda, seconded by Lockett. Motion carried.

Public Hearing for Cottage Cove PUD Amendment:

Cottage Cove on Elk Lake, owner BRL Development, Address 7208 Cherry Ave. Tax ID 05-12-870-0010-00 thru 870-0335-00 and 05-12-875-001-00 thru 875-056-00 is requesting an amendment to the previously approved Cottage Cove on Elk Lake and cottage Cove Landing Condo PUD. They are requesting a 31 lot site condo under the PUD development. It is currently zoned PUD and is within the Kewadin Village boundaries. In 2004, the property was rezoned PUD with 37 units, open space and a marina. Over the years, it was downsized to 35 units, total area is 23.88 acres with 4.3 acres for lot unit development and 19.62 acres for common area including wetland, marina, and septic area.

Are there any conflicts of interest? There are none.

The public hearing was advertised in the ER News on 6-25-09 and there are no letters. Alden Bank has submitted a letter approving the proposed amendment, as well as all of the affected property owners.

BRL Development presented the proposed amendment by showing the particular areas of interest on the older site plan, dated 8/3/06. The main change is moving a road and putting lots on either

side. There are two particular options being requested Option 1 will keep the two duplexes and has 31 units. The wetlands remain the same and everything else remains the same and the sewer and water system stays the same. This is the primary option. Option 2 is to convert the two duplexes into three stand alone site condo units. Heidi Lange from Antrim Soil Erosion has indicated to the owners that the drainage areas are adequate. The open areas available are the same as the original drawing. Kingon asked if there would be more open space. No. Although there are fewer units, some of the open space now becomes some of the lots. The impervious surface is probably less. Luckett asked regarding design controls on the building. Yes. 1000 sq ft min., 20ft min between buildings, 30 ft driveways and 50ft setbacks from the water. Plans will offer six home designs. Any builder can build, but they will have to use one of the six home plans.

#### Informational Audience Questions

Keith Termaat asked regarding the loss of units. On option 1, they lose 4 units. On option 2, they lose 5.

Kopkau asked regarding the number of boat slips available. They already have reservations.

Kingon asked regarding the association of boat slip owners. Are they okay with this. Yes.

Weinzapfel said the extra seven slips will go for the new units and will be allocated in the master deed? Yes. This is the intent. These slips will be purchased. Everyone who has a home will get one slip. They will have the option to have two. Weinzapfel said because of the cost, we will need an updated copy of the master deed and final site plan with dimensions, based upon approval.

Luckett asked regarding when the decision would be made for option one or two. If they can not sell the option 1 units, that is when they will go to option 2.

#### Amendment 09-03 Public Comment:

Those speaking in support:

Dave Rasset 7484 Huckleberry Lane spoke in support.

Those speaking against:

No one wished to speak.

The Planning Commission began deliberations.

The ordinance allows this to take place. The Master Plan says that we should have development within the village. Staff report and subcommittee reports are available for review.

Hefferan asked BRL what is the reason behind the adjustment. They have had difficulty selling

the buildings. Option 1 is the most economically feasible.

Kingon said this seems very reasonable.

Luckett asked if the signs would change? Not right away. Size would not change.

Motion by Luckett to recommend approval of amendment 09-03, a site condo project under the umbrella of the PUD, which will reduce the number of units from 35 to 31, the moving of the road, subject to approvals from the health department, approval of the master deed documents by township attorney, submission of site plans that contain set back and dimensional requirements and payments of attorney fees and costs, this also encompasses the ability to meet with the Zoning Administrator at a future time if they desire to consider option 2 and reduce the number of units by one unit from two duplexes to three single units. Seconded by Hefferan.

Roll Call:

Merillat: Yea it meets the Zoning ordinance. It is a downsizing and it keeps with the Master Plan.

Kopkau: Yea it supports the ordinance and meets the Master Plan.

Hefferan: Yea it complies with the ordinance, it is driven by economic considerations.

Luckett Yea it is supported by the Master Plan.

Kingon: Yea. It is supported by the Master Plan and we want the project to succeed.

Stilson: Yea it is provided for in the ordinance.

Motion carried 6-0.

Non-conforming Lots Subcommittee:

Met June 23<sup>rd</sup> and a draft was submitted for comments. Luckett said she has submitted alternate language for the purpose statement and looked at a change in waterfront yard vs front yard, just make sure that all water frontage is protected. Weinzapfel said all subdivisions listed would not have an issue with side yard waterfront. They discussed changing the Water Front Setback to Front Yard Setback. But, this would be a problem if the owner was not on the water. Hefferan asked how this draft has changed from the prior. This is reformatted and could go into existing ordinance. Luckett said this draft also uses dimensional parameters. They can now go down in size to a minimum of 720 sq ft. The changes will be incorporated and Weinzapfel will send drafts to planning commission members as well as township attorneys.

Weinzapfel will ask the attorney if there are legal ramifications on proposed language and if he would like to attend a meeting. Hefferan said he is opposed to incurring the cost of having the attorney here.

Signs Subcommittee:

Waiting for comments on language from attorney. Luckett suggested discussing the issue with the planner hired for the ordinance review.

Ordinance Review:

Draft is dated May 12, 2009. Each member of the board will be getting updated copies. Merillat said he will give the copy to Weinzapfel and Weinzapfel will distribute the copies. Weinzapfel will be sending out offers for bids.

Shoreline Protection Subcommittee Report:

Draft is dated June 29<sup>th</sup>, 2009. The board members just received this document. Board members reviewed. Stilson asked if the current ordinance would allow putting in a boat ramp. Merillat said yes. Kingon said any waterfront property owner making changes to that 25 foot strip, come to the board and present a site plan for review and approval. The intent is that you have to get a permit to alter the shoreline asked Merillat? Yes. Hefferan asked how this was started. Kingon said this and other townships were presented with ways to protect the areas surrounding the lakeshore. The goal is that surrounding townships have similar ordinances. Weinzapfel said right now, there is shoreline protection in the current ordinance. The new proposal provides more specific information and requires a permit. Previously soil erosion requires a permit, but nothing from the township. Merillat asked if there would be a concern if someone wanted to plant something within the strip. Weinzapfel said this should be by right. The way it's written, it would require a permit. Hefferan asked if this was consistent with neighboring townships. Kingon said yes, we are further ahead than most of them. Hefferan said he does not like the idea of having a permit fee. It looks like the township looking for more money. Kingon said a fee has not been discussed. Merillat asked what would be considered a full site plan. Could you sketch it? Yes. It is not the intent to have to hire someone. The subcommittee will meet again. The meeting date will be set once Cole returns.

Home Business:

Public hearing will be continued in August.

Meeting adjourned by order of the chair at 8:54 pm.

Respectfully submitted,

Joseph Merillat

Secretary