

Milton Township
Planning Commission
Approved Meeting Minutes
June 9, 2009

Members present: Stilson, Hefferan, Merillat, Kingon, Cole and Luckett
Members absent: Kopkau

Also present: Weinzapfel and 13 audience members

Stilson called the meeting to order at 7 pm.

Approval of minutes dated May 12, 2009:

Pg 2: Fifth paragraph: strike out the sentence "Highlights regarding the onsite systems are a 2 acre min lot size."

Pg 1 & Pg 3: correct spelling Weinzapfel

Pg 2: correct spelling Termaat, Property ; Michigan.

Motion to approve the minutes as corrected by Cole, seconded by Kingon. Motion carried.

Update on Township Board:

Township Board approved a cell tower application on township land for North by Northwest and also approved 09-01 Wind Energy Systems amendment.

Upcoming Meetings and Announcement:

Kingon discussed a meeting regarding septic tank inspection at point of sale.

Approval of Agenda:

Add item E. Septic Tank Inspection at Point of Sale.

Motion to approve the agenda as amended by Kingon. Seconded by Luckett. Motion carried.

Public Hearing for Amendment 09-02, a new chapter 21, 117.2100 Home Business.

Stilson read the procedure for the hearing and asked the commission members if any had a conflict of interest. None noted.

The subcommittee of Cole, Merillat and Luckett has worked on the language with public input for several months. A copy has been available per public notice and also posted on the web site as well as at the township office.

The amendment has six sections 1: Purpose; 2: Definitions; 3: Descriptions of home business; 4: Use related regulations 5: Site related standards; 6: Impact related standards.

The public hearing was advertised in the Elk Rapids News on May 21. There were no letters

received.

Cole gave the presentation. Cole said we will deviate from the normal procedure. With a normal hearing, we get input from the public and the commission would then take action. We are not going to take any action tonight. We want to get input on the proposal. The language in the current ordinance is for a home occupation. You can have an occupation using 25% of your home. This is the IRS definition. It worked well for years. In today's economy it does not fit. Some things that are not allowed are employees, or customers. You have to get permission to have a home occupation. Most home occupation owners keep their heads down, but we have had complaints and shut those home occupations down. We want to allow people to have business in their home, but it should not change the residential neighborhood. Cole distributed the proposed language to audience members. He went through and compared the current ordinance with the new one. Cole discussed the particulars of proposed Types A and B home businesses in contrast with the current ordinance. One distinction is that there is not an application for special use for a Type A. It will be by right. You could have a Type A business in all districts where residents are allowed. For a Type B, you would need to go through a special use permit.

Questions from the Public:

Charlie Kinzel said the current regulations are unenforced. What are the plans for enforcement? Regarding customer restrictions, six people per day eliminates a jewelry party or an Avon party. Is that your intent? What about a heavy truck delivery? What about storing material onsite?

Cole said what we have is enforceable. We have chosen not to enforce it because this revision was in process. All of our ordinances are complaint driven. When we take action on any of our ordinance, it is not a township official out looking for violations; it is a complaint by a neighbor. If we find the person is, in fact, violating the ordinance, legal action is taken. If we do not make changes to the current ordinance, then the position is that we would have to shut the majority of these home businesses down.

Regarding Tupperware parties; for me to host them in my house, that might be a problem. For me to go to another person's house on a one time basis, that's fine. If I'm having a party at my house every night, that could be a problem. Cole said he will look at the language. The intent was not to stop this sort of thing.

We would be trying to prevent daily heavy truck deliveries to the same location. If you are in an R1 zone, this could change the nature of the neighborhood. This is not nailed down to an exact specific definition.

Rod asked regarding section E. Cole said if you are in an R1 zone, we probably would look at it differently than if you were in Ag. What is normal in R1 would be different than what you would get in Ag.

Keith Termaat asked regarding if the rules apply to type B or type A or both. Cole said they

apply to both, excluding section 22.5.

Rod asked regarding the 6 customers per day. Is this enough to support a business? Cole said pick a number. It's debatable. Six was decided to protect the nature of the R1 zone.

Cole addressed Kinzel's question on storage of products. Cole said the ordinance tries to prevent warehousing. Kinzel said he has a tractor trailer delivering packaging to his house. Then he mixes the soap and delivers to retail locations from his warehouse. Cole said you cannot have warehousing for pecuniary gain. We have an area in the light manufacturing zone for this to go on. Cole said he may have to look at the definition of warehousing. Cole said regarding heavy trucks, this is something we will have to look at.

Elizabeth asked if we had considered jobs like accountants where a person might not see six customers in months, but then during tax season, they may see 15 per day. Cole said it's a good question. The answer is that we need to stay at 6 and we can cross the bridge when we come to it.

Frank Bussa asked why six customers. Cole said this number was acceptable for an R1 business in a residential area. It will not keep everyone happy.

Cole discussed the special use procedure. Cole said warehousing is something that will not be allowed at all in either type A or type B.

Kingon added regarding the number of customers. If you have some rationale as to why it should be different, please let us know.

Rod said the owner of the business can come and go? Cole said yes.

There will be no action take until August at the earliest.
The subcommittee will meet July 1 at 9 am.

Merillat asked if the board would like to have public comment for or against the proposal. Cole said this seems premature as there may be significant changes to the document.

Motion by Cole to postpone the public hearing for amendment 09-02 to the August 11, 2009 Planning Commission to allow time for citizen feedback on the proposed amendment. Seconded by Lockett. Motion carried. 5-1.

Lakeland Tower Leasing Public Hearing:

Lakeland has requested postponement of this hearing until next month. Motion by Hefferan to hold the Lakeland Tower Leasing public hearing July 14th at the applicant's request. Seconded by Cole. Hefferan asked if we can charge the applicant for noticing. Weinzapfel said yes, however, this is flexible. Motion carried. 6-0.

Cottage Cove on Elk Lake PUD revision request:

BRL Development Inc. is now in Chapter 11. Cottage Cove was previously approved for a rezone from Village to a PUD with 37 units.

They would like to reduce the size from 35 to 31 units. It only affects the residential area on Elk Lake. It would be a change to site condos. Stilson asked for clarification. The home size will be practically the same. There will now be less impervious area than before because there will be less units. Luckett asked how many units were sold. Four. Is there an association? Yes. Is it being dissolved? No, it will be changed on the master deed and everyone is in agreement. We started with 37 units and now we are going to 31. This is option one. In option two, we would like to change #'s 3-6 to separate units from three to four. The thought is just in case these duplexes don't sell, it will make the look appear contiguous. Weinzapfel asked regarding boat slips? Those will be marketed to those buying the units. The site can be sold without the unit. Hopefully, we will be out of chapter 11 in one year, perhaps two. This plan would be approved, but each sale wouldn't have to be approved by the bank? Correct. Cole asked regarding the marina situation. There will be 56 slips. Nineteen are already sold. If there are leftover slips, they will be sold as separate condo units? Cole is concerned with running a marina. There are only 7 left right now. People do want two slips. In a condo association on Elk Lake, they can rent them seasonally. There is no timeframe in which they need to start building. It will be maintained by the association until you build. Percentage wise, over 80 percent is open space. Setbacks are the same as before.

Motion by Luckett to call for a public hearing on the proposed Cottage Cover PUD Amendments options 1 and 2 at the July 11 meeting. Seconded by Merillat. Motion carried.

Non Conforming Lots Subcommittee:

Met June 3 in coordination with ZBA members. Some adjustments were made and Weinzapfel mailed out the changes. The subcommittee's next step is to review those changes. Cole said the ZBA was generally not in favor of the ordinance revision. The subcommittee will meet June 23 at 1:30 pm.

Gary Burns addressed the board on this issue and asked for a speedy resolution.

Signs Subcommittee:

The subcommittee has not met. Luckett was under the impression that the proposed language dated 5/12/09 was being sent to the attorney. Weinzapfel has not sent this to the attorney as of yet. Weinzapfel will send this off tomorrow.

Ordinance Review:

Subcommittee met on May 27. The PUD chapter is mostly completed. Towers had been postponed until the expert is hired. The subcommittee will meet June 23 at 2:30 pm. Weinzapfel will begin solicitation of bids of a planning professional.

Shoreline Protection:

Next meeting is on June 29 at 5 pm. The emphasis is to be user friendly and more of a suggestion nature.

Septic Tank Inspections

Kingon discussed a meeting held to discuss this at the point of sale with the village of Elk Rapids. The village is very interested, but they have many questions. Kalkaska and Benzie have adopted these types of ordinances and they hope to get some of that information and share it with all of the interested parties. This is an opportunity to see how they approach this.

Stilson congratulated the Citizen Planners who completed the course work.

Meeting adjourned at 9:09 pm.

Respectfully submitted,

Joseph Merillat
Secretary