

Milton Township
Planning Commission
Approved Meeting Minutes
March 10, 2009

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

Also present: four audience members

Stilson called the meeting to order at 7:58 pm.

Approval of Minutes dated Feb 10, 2009

Change "reported" to "report"; Change "Blackmoore" to "Blackmore"; Change "law" to "lawn";
Insert "said a draft has been".

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

Meetings and Announcements:

Michigan Citizen Planner Classroom Series is April 16- May 28 at Old Township Hall. See
Weinzapfel if interested.

Letter received from Acme Township. They are amending their Master Plan to update the sewer
district.

Letter from the Watershed Center with an invite to participate in the protection of the water
quality of Torch Lake. Cole is the liaison representative from the township.

Letter from Northwest Michigan Council of Governments on the Michigan Planning Enabling
act of 2008 which has been addressed by the township in the past meeting.

ZBA Update: One variance request has been held over from last month.

Motion to approve the agenda as presented by Lockett. Seconded by Kingon. Motion carried.

Public Hearing Abacus Tax Service Special Use Permit:

Owners are Peter and Mary Hesse of 7589 Cherry Ave, Kewadin MI. Parcel # is 05-12-311-064-
00. Current zoning is village. Surrounding property is all in the village zone.

Bill Hefferan has a conflict of interest and leaves the meeting at 8:08pm.

Kopkau said she has her taxes done by Abacus, but does not feel this creates a conflict of
interest. The board determines it does not because there is no pecuniary gain for Kopkau.
Merillat read from the by-laws regarding conflict of interest. Kopkau will remain for the public
hearing.

There were no letters received.

Mary Hesse said she would like to open a tax business and she would like a special use permit. Luckett asked if anything had changed since the 20th of January. Hesse said nothing has changed. One receptionist will work part time and another tax preparer may sublet the space. The business will be open six days per week. Regarding the checklist in 117.1807D:

4 Parking is okay

5. Signs is okay

8. Lighting is okay

10. Fence is okay

12. A. Intent and purpose is okay

B Compatibility is okay

C. Health safety and welfare is okay.

All other items on the checklist are not applicable.

Office space is 960 square feet.

Vickie Harriett, owns property across the street asked if there will be any additional signage or lighting. No, nothing will change. Is there adequate parking? Yes. The site is 3.26 acres and the parking is on the front and the side.

Those who wish to speak in support:

Joyce Grammar of Elk Tip Drive spoke in support.

Those who wish to speak against:

No one wished to speak

The board began deliberations.

Merillat read through his findings of fact.

1. The proposed uses are consistent with the Master Plan which shows this area to be developed as village and encourage businesses to locate within the current village boundaries;

2. The proposed site is zoned V-Village which permits C-Commercial by special use permit;

3. A special use permit was given to a commercial boat and auto upholstery business on May 8, 2007;

4. The changes requested meet the exception in 117.2002B and no site plan review is required;

5. The sign meets the requirements in 117.300;

6. The proposed use will not have an adverse impact on surrounding properties which are north - small dwelling, south - a storage building, east - vacant, west - dwelling;

Luckett said this is the high season for tax prep preparation and there is not more than four cars parked there at any one time. It is a welcome service to the community.

Kingon said things are in order.

Motion by Merillat based on the findings-of-fact which demonstrate conformance with the requirements of 117.300, 117.1100, 117.1300, 117.1800, and 117.2000 of the Township Zoning Ordinance the request by Abacus Tax Service for a Special Use Permit for businesses to be located at 7589 Cherry Ave, Kewadin, MI, on Parcel No. 05-12-311-064-00 be approved.
Seconded by Cole

Roll Call Vote:

Luckett: Yea, it is a commercial use allowed in the zone; additionally it satisfies the site plan requirements of 117.2002B

Kopkau: Yea, It is welcome into the community.

Kingon: Yea, Based on the findings of fact and the conclusions of the subcommittee.

Cole: Yea, Fits village and commercial zone.

Merillat : Yea, meets ordinance requirements without further conditions.

Stilson: Yea, Permitted use in the village zone 117.1002B.

Public Hearing Blackmore Property Maintenance:

Property owner is Peter and Mary Hesse. Parcel number is 05-12-311-064-00. The current zoning is Village. The surrounding property is in the Village zone. There were no letters received. It was advertised in the Elk Rapids News.

Mr. Blackmore requested to use the facility for storage of his lawn care equipment. He runs the business out of a facility in Williamsburg. This is only for convenience.

The subcommittee met on January 20th 2009 and found the following regarding 117.1807:

- 4. Parking is okay
- 5. Signs is okay
- 8. Lighting is okay
- 10. Fence is okay
- 12. A. Intent and purpose is okay
 - B Compatibility is okay
 - C. Health safety and welfare is okay.

All other items on the checklist are not applicable.

Stilson asked if lawn clippings would be dumped on the property. Blackmore said no.

Cole said the three lawn maintenance trailers would be parked at the far rear of the property without need for further screening. Cole clarified a document that was written by Weinzapfel as to where his equipment would be stored. The Hesse's personal storage is in the back of the building. Blackmore's storage will be in the middle and Abacus will be in the front. Lockett asked if there is any chance Blackmore will expand his use of the building? Blackmore said no. He said he may do some bookwork, but that's all.

Audience questions:

Vickie Harriett of Pine Street in Elk Rapids asked what the hours of operation would be. Daylight hours only. No additional need for lighting? Yes. No additional signs? Yes. Three trailers and no trucks? Blackmore said possibly a truck with the trailers, but not overnight. All major repairs will be offsite? Yes. No dumping? Yes. Is there a burning ordinance? Have to have a DNR burn permit. Blackmore said he uses Lon Bargy's property for composting.

Those who wish to speak in support:

Joyce Grammar of Elk Tip Drive spoke in support.

Those who wish to speak against:

No one wished to speak

Board began deliberations.

Site plan is on file, application, subcommittee recommendation are all on file.

Cole said he does not see a problem with storing up to 3 trailers and equipment at the site.

Lockett said Blackmore is maintaining the property and this is a mutually beneficial agreement between Hesse and Blackmore.

Kington said if it is up to 3 trailers, he has no concerns.

Motion by Cole to approve the special use permit for Blackmore Property Maintenance located at 7589 Cherry Ave, Kewadin, MI, on Parcel No. 05-12-311-064-00 be approved with the following conditions:

1. Blackmoore Property Maintenance may park up to three (3) lawn maintenance trailers at the far rear of the property without the need for further screening and may store equipment in the building itself.

Seconded by Merillat.

Roll Call Vote:

Lockett: Yea, It is in accordance with the master plan which encourages business within the village zone. Believes this in compliance with the zoning ordinance.

Kopkau: Yea.

Merillat: Yea, Consistent with the Master Plan. Meets the ordinance and with the condition of 3 trailers it will have no adverse impact.

Cole: Yea, Meets the master plan and the ordinance

Kingon: Yea, Sub did a thorough job.

Stilson Yea, It is a permitted by the ordinance under chapter 11 village zone sec 117.1102, applicable regulations B Commercial uses which refers to chapter 13 commercial zone in accordance with a special use under sec 18.07 and chapter 20 site plan review.

Bill Hefferan returns.

Wind Energy Subcommittee Report:

Weinzapfel is going to put this on the web. Stilson said there were a couple issues he did not like. He feels that it should be a permit system. Hefferan said this is a cost issue. They did not want people to have to pay a fee. Stilson said that's fine, but if his neighbor is going to put one up, he would like to have a say. Cole said if we can write the ordinance to have parameters, then we should not have to have a permit system. Cole said the way it is written, there are standards that have to be met. The height may be an issue that gets kicked around. Luckett said she has no problem with the proposed ordinance. Luckett said she is concerned about the scenic vista issue. Cole said in the new ordinance the review committee has removed scenic vista because it is entirely subjective.

Motion by Hefferan to take Wind Energy Systems proposed chapter 22, draft 8, dated February 10, 2009 to a public hearing on May 12th, 2009. Hefferan asked the zoning administrator to publish this document on the web as soon as possible for public review. Seconded by Merillat. Motion carried.

Home Business Subcommittee Report:

Current draft is 17 dated February 23, 2009. Hefferan said he is still struggling with the possibility of a dispatch center in 117.2103. Cole said while it is allowed, it must meet certain requirements.

Motion by Cole to take the Home Business proposed chapter 21, draft 17, dated February 23, 2009 to a public hearing on June 9, 2009 and Weinzapfel will put it on the web as soon as possible. Seconded by Hefferan. Motion carried.

Non-conforming Lots Subcommittee Report:

Stilson reviewed the last changes made. Cole said the question is do we want to continue with this at all. Cole said this would affect 8 sub divisions and only certain lots within those subs

would be considered. Luckett suggested calling this a conforming structure on a non-conforming lot. Cole said this is based on a case by case basis. Kingon asked how many were lakefront lots? Weinzapfel said 150 approximately. Hefferan said he could not support this concept and it would be open for potential problems. Kingon said he agrees with this proposal. People who own these lots should be able to enjoy their property. It is a reasonable proposal. Kopkau said she is back and forth regarding the proposal. Will it go further than this and be more areas? Luckett said she agrees with Hefferan in that if this is a new purchaser, they are getting what they pay for. Rather than an overlay zone, she would like to give the ZA discretion when you have non conforming lots. This creates an exception to the rule. She said this is like selective enforcement. Stilson said he is not in favor of the proposal. Weinzapfel asked if it's the size of the house? Could it be downsized? Luckett said this is not the job of zoning to design the size of a person's house. Weinzapfel said for the next meeting, he will provide pictures and history regarding this problem.

Signs Subcommittee Report:

As presented by Luckett in a draft 2/23/09. Luckett received comments from Kingon and she addressed these comments, which involved some history regarding the proposed language. Cole asked regarding permanent sub division signs. Luckett said if it was removed, it was not intentional. Merillat asked what discretion the ZA has to remove a sign. Luckett said there is a time frame. Luckett will look into these temporary signs. Kingon said residence signs can be 20 square feet, is this both sides? Luckett said yes. Kingon said ten should be enough or the size of a real estate sign. Kingon discussed the word "nature" and could be "by reason of physical characteristics".

Ordinance Review Subcommittee Report:

As presented by Cole. This is in process. The subcommittee is working through many issues. Proofreading needs to be done.

Meeting adjourned by order of the chair at 10:37 pm.

Respectfully submitted,

Joseph Merillat
Secretary