

Milton Township
Planning Commission
Approved Meeting Minutes
March 9, 2010

Members present: Chairman Stilson, Kingon, Luckett, Kopkau, Hefferan, and Merillat

Members absent: Cole

Also present: Tim Earl, Joyce Grammer

Stilson called the meeting to order at 7:00 pm.

Approval of past minutes dated February 9, 2010:

Pg 1: change waiver to waive.

Pg 1: whether that would solve the problem.

Pg 2: conditions relating to the special use permit.

Pg 2: providing Earl gets permission from his Western neighbor.

Pg 2: reword last sentence relating to the Township Board's actions.

Motion by Hefferan to approve the minutes as corrected. Seconded by Kopkau. Motion carried.

Meetings and Announcements:

Update from Watershed Center. No meeting date set;

Update on township board meeting; Census job info on back table;

Planning Amendment 2009-04, now 2010-01 Non Conforming Lots Overlay Zone,
was sent back to planning commission for review; Annual Township meeting is March 22.

ZBA next meeting will be March 11, 2009. A ZBA interpretation is requested. Depending on how that goes, a variance request may follow.

Agenda approval:

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

Public Hearing for a Special Use Permit for Tim Earl:

Earl is requesting a special use permit for a commercial use in the village zone under section 117.1102B. The application is for a small engine repair, maintenance, and sales and a U-Haul dealership under the name of Pacts Small Engines.

Commercial uses described in Chapter 13 shall be permitted in this zone by the planning commission in accordance with Section 18.07.

Stilson read the procedure for a public hearing.

Commission members were asked if there was a conflict of interest. There were none.

Merillat read letters received on subject:

A letter from Jay Jennings and Debra Weider in support.

A letter in support from Larry Reber.

A letter in support from Mary Ellen Sarasin.

A letter from Mary Ellen Sarasin regarding her opinion that there is no need for a berm/buffer along their shared property line.

The hearing was advertised in the February 18, 2010 Elk Rapids News.

Mr. Earl gave his presentation. The small engine repairs will be trimmers and mowers. No snowmobiles. Any oil or fluids would be disposed of by Steuer. Hours will be 9-5 M-F and 8-1 on Saturday.

He also plans to rent U-Hauls. He will not have many on site. These will be kept at the back of the property except a maximum of two next to the work garage. His intent is to keep no more than 6. Two by the side of the garage and then the rest will be in the back NE corner of the property. If he can, he may, in the future, build a storage pole barn for the small engine repair. He plans on putting a small display out during the day if he has something to sell. The display area will be between his driveway and Cairn Hwy and it would be during the day. No more than 3-4 items. After hours they will be stored inside. He will not repair machines in the open. They will be repaired in the garage. Kingon asked regarding the U-Haul business. They will be one way rentals. He hopes to be listed in the Yellow Pages. Kingon asked if he will be keeping packing supplies. Earl said he does not have room for that. He has some items, but they would be stored in the garage. The items being worked on will be in the shop or in the shed behind the house. The hours of operation may vary with the U-Haul, but most will be dropped off within the hours of operation so they can get their deposit back. Stilson asked regarding parking. The U-Hauls will be parked on the cement slabs and there is room for an additional two spaces. Hefferan asked if there would be any need for his customers to park on Cairn Hwy. No. They would not need to park on the road.

Joyce Grammer asked why a special use permit is necessary. Stilson explained that anytime a business is set up in the village, this is how it must be done. She said he should not be charged the fee of \$500. She thinks this is not right.

The subcommittee met January 18th and did a Site Plan Review. There were some questions that came up that were included in the minutes. One question he still has is the open space storage. Will the U-Haul trailers meet the definition of open space storage? It is referenced in 117.208, as well as 117.1305. To Lockett, this does not seem like outside storage because the trailers are coming and going. Normally, the items are there a few days to a couple weeks.

Stilson opened the public hearing to those speaking in support of the special use permit.

Joyce Grammer of Elk Tip Drive spoke in support of the special use permit and they should not take any money from him for the permit.

No one wished to speak against the special use permit.

The Commission Deliberations:

The Master Plan does support small business within the village. No staff report was issued. Hefferan did not think it was necessary. A special use permit runs with the land, not the owner. Stilson said the information has been received from the subcommittee. Hefferan reviewed the facts:

- Master Plan supports small business within the Village Zone.
- 117.1302A allows general sales of durable goods, merchandise and products as a permitted use.
- 117.1102 allows for Commercial Uses in the Village Zone by Special Use Permit.
- 117.1302B allows service stations including auto repair permitted when authorized by a special use permit.
- 117.1305(2) allows for outside sales and displays.
- Parcel #05-13-311-047-30 is bounded by township property to the east, boat storage to the north, Elk Lake to the south, and a private residence to the west. Pursuant to 117.1807 the proposed use is compatible with adjacent uses of land.
- 117.217 allows for the omission of a greenbelt if waived in writing by an adjacent residential property owner.
- Lighting to conform with 117.220.
- Signage to conform to 117.302.
- Off-Street Parking and Loading to conform with 117.1600.
- 117.1304B allows for a front yard setback of less than 50 feet if 40% of the block has the lesser setback.

Conditions should include that this is for a small engine repair shop and limited U-Haul rental with no more than six units on site. No more than two U-haul units will be on the side of the garage, the rest will be on the back of the property. The display area will contain no more than 4 items for sale during hours of operation and shall be setback 10 feet from the road right of way. The hours of operation will be M-F 8-5 and Saturday 8-1. Customer parking will be prohibited on public roads.

Kington said neighbors are in support of the permit. Commission members discussed including the future use of the pole barn and if it can be included within this special use permit. Merillat said he believes it should wait.

Motion by Hefferan that based upon the findings of fact, the special use permit filed by Tim Earl, DBA Pacts at 7272 Carin Hwy, Kewadin, Parcel 05-13-311-047-30 for a small engine repair shop and limited U-Haul rental be approved with the following conditions:

1. No more than six rental units on site.

2. No more than two U-haul units will be on the side of the garage, the rest will be on the back of the property.
3. The display area will contain no more than 4 items for sale during hours of operation and shall be setback 10ft from the road right of way.
4. The hours of operation will be M-F 8-5 and Saturday 8-1.
5. Customer parking will be prohibited on public roads.

Motion seconded by Kingon.

Roll call vote:

Luckett: yea based on this being consistent with the master plan and it is consistent with the village zone.

Merillat: yea based on it meets the conditions of the ordinance 117.217 where the waiver for the greenbelt there is no negative effects.

Hefferan: yea based on meeting the master plan and surrounding property uses.

Kopkau: yea based on this being a small business in our community

Kingon: yea based on this being a needed service for the community.

Stilson: Yea based on the use in the permitted use in the village zone and compliance with the master plan.

Motion carried. 6-0

Ordinance Review Subcommittee Report:

Stilson said the subcommittee met with Jay March 3rd and he reviewed his audit of the new ordinance draft. The next meeting date is set for April 13 and the first three chapters are on the docket for discussion. If more than the subcommittee would like to be there, it will need to be posted ahead of time as a work session. Luckett said at this point, getting everyone together may not be the most efficient way to work. Hefferan said he cannot be here in the mornings to meet. Stilson will see if Jay is available to come to the Planning Commission meeting next month.

Point of Sale Septic Inspection:

Next meeting date is March 15 at 5 pm.

Non Conforming Lots Overlay Zone:

The Township Board officially sent this back to the Planning Commission to review the county planner's comments, as well as the comments from Williams & Works. The Commission discussed the comments and decided:

1. Making the changes recommended by Williams & Works would be a major change in the amendment and require another public hearing. These changes could be handled during the rewrite of the ordinance to prevent further delay.
2. Recommend changing "Average High Water Mark" to "Ordinary High Water Mark" in figure 3.

3. Recommend changing the ordinance number from 2009-04, to 2010-01.
4. It is our understanding that two or more adjacent non conforming lots under the same ownership are considered one lot for zoning purposes as per 117.401F.
5. The 25 foot vegetative buffer requirement is not a hardship because the Commission is now in the process of drafting language for everyone to have a 25 foot buffer zone if changes are made to their front yard on the water.
6. Notification of all property owners in the 10 subdivisions prior to approval is not required by law and this would set an expensive precedent. The amendment was published and a public hearing was held on the matter. All interested parties had ample opportunity to comment.
7. The extreme scenario of having a 25 foot front yard setback in the middle of two 50 setbacks would be impossible based on the layout of the subdivisions in question. The rear yard is the first to be reduced before any front yard is reduced.

Meeting adjourned by order of the chair at 8:31pm.

Respectfully submitted,

Joseph Merillat
Secretary