

Milton Township  
Planning Commission  
Approved Meeting Minutes  
April 14, 2015

Members present: Hefferan, Kingon, Merillat, Cole, Lefebvre and Kopkau

Members absent: Stilson, excused

Vice Chair Hefferan called the meeting to order at 7:00pm.

Approval of past minutes dated March 10, 2015:

**Motion** by Lefebvre to approve the minutes. Seconded by Kingon. **Motion carried.**

Meetings and Announcements:

Citizen Planner is still available, but they may have to cancel it if they do not get enough attendance.

Township Board Report:

Cole said Terry Starr came to discuss the Elk Rapids Schools International Baccalaureate community service aspect. Some children will be performing their projects within the township parks.

ZBA Report:

Kingon said there was a meeting to elect officers. No new business.

Agenda:

1. Environmental Zone Lot Width (See Hemlock Shores Zoning Review report)
2. Winery Ordinance
3. Master Plan Update
4. Zoning Ordinance Update

Approval of Agenda:

**Motion** by Kingon to approve the agenda. Seconded by Cole. **Motion carried.**

Environmental Zone Lot Width:

Lefebvre discussed a subcommittee report dated March 16 and possible options with the properties in Hemlock Shores. The majority of the lots in this area have been developed. There are two non-conforming lots. They are 110 feet in width and zoned Environmental. They are contiguous and treated as one property, even though it is platted as two. The property owner was hoping that the undeveloped property could be sold and developed. The subcommittee has recommended re-zoning the 15 parcels to R1 in Hemlock Shores. This would be appropriate and not cause issues in other locations in the township. Cole asked if this will affect other lots farther south of Hemlock Shores. It appears that this is the only lots that would be affected. How many lots along River Road in the village are not built upon? Weinzapfel said Rosemary's Dockage

has property that is not built upon. How far does the E zone go? It goes down to Lhurs Landing. Hefferan asked if the Conlin's had any other questions or comments. Mr. Conlin discussed the particulars of the sale of the lot. Because of the building and development within the sub, we are the only ones affected by the E zoning. Kingon said if the planning commission agrees with the subcommittee's recommendation, what are the next steps? Kingon said he does not see any negative impacts in the subcommittee's recommendation. Next steps would be a zoning amendment to the map. There would be a public hearing and it would be a map amendment.

**Motion** by Kingon to accept the subcommittee's recommendation to rezone Hemlock Shores to E to R1. Seconded by Lefebvre.

Discussion:

Merillat said he will not support this because he just saw the subcommittee report tonight. He needs more time to understand the possible ramifications.

Cole said he feels this situation is unique and would not set a precedent.

Lefebvre said we can take a look at those southern properties.

Hefferan said the report was emailed to him last week and he has had time to review, but some members of the board have not.

**Motion** by Cole to table the decision on this motion for further study of surrounding properties until next month. Seconded by Merillat.

Yea 5:

Nay: 1

**Motion carried.**

Merillat suggested that the subcommittee meet again and review to see if the surrounding lots would benefit rezoning to R1 from E.

The subcommittee will meet on the 21<sup>st</sup> at noon at the township hall.

Winery Ordinance Update:

Kingon presented draft v4 dated April 10, 2015. He discussed the changes. At the end of the last subcommittee meeting, we were looking at the issue of a commercial kitchen. We do not want a large restaurant to pop up in AG. We were going to stick that in #4. But, what is the definition of commercial kitchen. It is actually based on use. It is any kitchen used to produce food for sale. If that is the case, then we would be saying they could not sell food. If we do not want to create restaurants, how can we change this? Kingon proposed an alternative to E4. He took this approach from Napa Valley. We are not allowing them to sell food, but we are allowing them to provide food for certain situations at cost recovery. Kingon said he would like to have discussion on the issue.

Cole said the term commercial kitchen is not used in either proposed language. The reason why is because you do not want food prepared for sale. You could have prepackaged food? Yes. But you could not go back and make hors d'oeuvres, if we say no commercial kitchen. This is a big shift from where we were in previous drafts.

Hefferan said he appreciates the effort put into this and his concern that busses would pull up next to his house and change his way of life. There are many 20 acre parcels and as long as you own one you are good to go. Most parcels that size are zoned AG. Hefferan asked if one was placed next to him, what would go in. Merillat said a very large pole barn. Then, they have to plan 10 acres of grapes. Then, they decide they want a tasting room and it would have to be set back 200 feet from the property line. The building itself that houses the tasting room can be any size. The tasting room can be 1000 square feet. Aside from the tasting room, all of it can go in right now regardless. Hefferan asked regarding a gift shop? This would go in the 1000 square feet of the tasting room.

Kopkau said she was looking at the alternative section and she commented on the word "event". Kingon said he did want to leave it there if the meaning could be interpreted as large events.

Cole asked about Friskee's. They sell other things besides what they produce. Merillat said this is more agricultural tourism. Lefebvre gave an editorial comment regarding by the glass or bottle. Right now we are missing "bottle" or just take out by the glass.

Kingon asked which people prefer. Most members like the alternative version. Kingon asked if we can approve this with the change/removal of by the glass.

**Motion** by Kingon to accept Winery Ordinance Draft V4 dated April 10, 2015 with the following changes: 1). in section D, remove "by the glass" and 2). Substitute Alternative to E4 for the E4 in the noted draft to be added to our recommended changes to the ordinance. Seconded by Kopkau. **Motion carried.**

#### Master Plan Update:

The subcommittee met this morning to discuss the comments received from the Village of Elk Rapids, Antrim County and Acme Township. Merillat discussed the particular changes recommended from these governmental bodies and the changes that the subcommittee implemented. Overall the comments were good and there was nothing major. The township board will leave it up to the planning commission to have a public hearing.

**Motion** by Cole to call for a public hearing on the Master Plan update on May 12, 2015, final draft dated April 14, 2015. Seconded by Lefebvre. **Motion carried.**

#### Zoning Ordinance Update:

Cole said we have everything in, except the new winery information. He met with Weinzapfel this morning and went through all of the things on the revision list to make sure it was all set and ready to go. Weinzapfel wants to get everything lined up and separate the items into several

categories, so there will be individual votes and not just one vote on all the amendments. By next month, he will show us everything for review so we can possibly make a motion for a public hearing in June. Then, if the E zone changes, we could add that in as another item. The final version will be emailed out and you can request a hard copy.

Agenda for Next Month:

1. Environmental Zone Lot Width
2. Public Hearing on Master Plan
3. Zoning Ordinance Final Review

Bruce and Yvonne Banniger are interested in having a second dwelling. He is looking to add this onto the opposite side of his garage. In this case, the way the ordinance reads, it would be considered a second dwelling on one parcel, effectively a duplex. Weinzapfel said our ordinance requires 20 feet in width throughout. If your home is staggered, it will take the longest dimension for the 20 feet (Weinzapfel drew a diagram). What he is proposing is a duplex, which is not allowed. The question here is does the planning commission wish to entertain the idea of having a second dwelling on a parcel. Board members said no. We have to look at the property and the next owners might rent the other half of the home. This isn't the first time this question has been asked. We have studied it in past and decided against allowing it.

Meeting adjourned by order of the chair at 8:52pm.

Respectfully submitted,

Joseph Merillat