

Milton Township  
Planning Commission  
Approved Meeting Minutes  
December 15, 2015

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

Also present: Weinzapfel and one audience member

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

Approval of past minutes dated November 10, 2015:  
Change “members” to “member” on page one.

**Motion** by Hefferan. to approve the minutes with the correction. Seconded by Kingon. **Motion carried.**

Meetings and Announcements:

Weinzapfel said the DNR grant was received for the lakeside development on the north end of Elk Lake. Meetings are being held by Parks and Rec to discuss Maplehurst. Two appraisals have come in and they are appraising it for what they are asking. Parks and Rec are also working on road end accesses to develop them and prevent erosion.

Kopkau and Kingon’s terms have expired. They were reappointed by the Board until 2018.

Township Board Update:

Cole discussed the update with recycling and the possibility of combining some of the townships in the county with a recycling agreement. A meeting will be held tomorrow with American Waste.

Agenda approved without objection.

25 Foot Protection Strip Subcommittee Report:

The committee met a couple weeks ago and reviewed the ordinance and spent time discussing the second draft of new language. We now have a third draft. We are meeting on January 4<sup>th</sup> at 9:00am. We will also be discussing storm water and how it could apply in this ordinance.

Conditional Rezoning Discussion:

Stilson gave his opinion of conditional rezoning. It was noted that there is no application from Boathouse Storage. However, the township wanted to look into this further. We’ve looked at many different ways to solve this issue, but there always seems to be a major problem which makes it untenable. Regarding conditional zoning, Stilson discussed the process.

Weinzapfel said we have our zoning map and our ordinance; other area townships don’t have conditional zoning. Our Master Plan does not indicate conditional zoning as a concept. If we

implemented it we would be going against the Master Plan. Weinzapfel said he has talked with other areas such as Garfield and Berrien Township which are advising against conditional zoning. If we want conditional zoning, we would have to change the zoning ordinance and the Master Plan. Weinzapfel does not recommend this course of action.

Kingon said going into this meeting, he would have been interested in exploring conditional rezoning. There are certainly areas where this could be helpful. Getting it established will be cumbersome. Now, however, hearing the cautions from Chris, he has changed his mind.

Cole said he compared conditional rezoning with a PUD. Basically, for either one to be possible, we would have to add it to the ordinance. In both cases you would have someone come along and want to put X in on Y piece of land. A PUD would not be any different than before. When you put it in, it's there. Conditional zoning can be the same thing. You would be opening yourself up to that spread of development. We got rid of the PUD because we wanted commercial developments in the commercial zones.

Merillat said if our attorney is dead set against it and no other township similar to ours allows it, then we should not pursue it.

Hefferan said he has not been on the subcommittee since September. The first question is were there any other possible solutions? What about an overlay zone? Referring to conditional zoning, being that it's not in our Master Plan, that's a big problem. Looking at Garfield Township, it appears that they are using conditional zoning to address the quandaries that they could not fix any other way. Bottom line is unless we want to add this to the Master Plan, we shouldn't do it.

Kopkau said she has not studied the issue in depth, but with what she's learned tonight, she's not in favor of continuing with conditional zoning.

Lefebvre said the entire PUD for this property as it existed predates her. She does not have a reaction to if reinstating the PUD would be a good thing. She believes the conditional rezoning is not the right direction for us. However, the PUD may be something that we should investigate again. This is a property that has had these uses that have been expanded on bit by bit over time. This is an industry that is important to our area. This is a business that is looking to grow where it started rather than trying to relocate. She feels strongly that we have to find a way to make this work.

Mark with Boathouse Storage asked why can't the PUD be grandfathered in as it was. Weinzapfel said because the zone does not exist anymore. You can continue to run your business. You can add three more storage buildings as outlined in the approved PUD.

Kingon said dealing with this particular situation, conditional zoning would be the best answer, but putting it in place and dealing with the ramifications throughout the township could prove detrimental.

The Planning Commission will not continue to consider conditional rezoning as an option. Weinzapfel and the planning commission members will take a deeper look at the PUD. Then, we've got to decide if spot zoning is worth the risk here. We have to make a decision.

ZA Report:

Weinzapfel is having computer issues. He appreciates all of the commission's services through the year.

Set agenda for January 12, 2016:

1. 25 foot protection strip
2. PUD Discussion
3. Elections of officers and meeting dates
4. ZA Report
5. Agenda for Feb.

**Motion** by Kopkau to adjourn at 8:25pm. Seconded by Kingon. **Motion carried.**

Respectfully submitted,

Joseph Merillat