

Milton Township
Planning Commission
Approved Meeting Minutes
June 9, 2015

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

Members absent: Kingon, excused.

Also present: Weinzapfel and 14 audience members.

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

Approval of past minutes dated May 12, 2015:
Correct date to 2015.

Motion by Lefebvre to approve the minutes as corrected. Seconded by Cole. **Motion carried.**

Agenda:

1. Torch River Marine Expansion.
2. Nonconforming overlay zone subcommittee report.
3. Application for zoning change.
4. Public hearing on zoning amendments 2015-01, 02, 03, 04, and 05.
5. Zoning Administrator Report.
6. Agenda for next meeting dated July 14.

Torch River Marine Expansion:

Subcommittee Report dated May 18, 2015. The commission discussed the buildings related to the lot coverage. Peal said they are tearing down nearly equal to what they are putting up. We have decided not to do it in phases; rather he will do it all at once now. The subcommittee recommends approval of Torch River Marine Expansion with all phases to be completed within target dates mention earlier in site plan review upon receipt of soil erosion approval and property tax ID numbers received.

Motion by Cole to take this to a public hearing next month. Seconded by Hefferan. Motion carried.

Non-Conforming Overlay Zone Subcommittee Report:

Cole said the subcommittee met twice. Once on May 19 and again on May 26. There has not been a formal application. We went and looked at the area of SE Torch Lake Drive. The intent of our current ordinance reads that we are not to encourage non-conformity in structures. The request we have before us is to expand the non-conforming area by going up and not expanding the footprint. Do we deviate from what we have now and do we allow the increase in a nonconformity? If we allow expansion, it would expand the intent of our present ordinance regarding non-conformity. If we allow second stories, what will it do? Many of the places along the strip are really close to the road right of way. None of us felt that the answer was cut and dry. We did not feel that we could make a recommendation to the planning commission. Hefferan

said Mr. And Mrs. Fein are here regarding this issue and we have received the letters from their attorney Mr. Grier. There is a request to amend the text of the ordinance, but we do not currently have an application. He would feel more comfortable if we had an application and we had an opportunity to look at more information before he takes a position on it. Merillat said historically, if we as a planning commission feel something should be addressed, we will look at it without an application. The subcommittee is not in agreement that we should go ahead with this. Stilson said if we do, we should remove chapter 5 from the ordinance. The intent is that we are not supposed encourage the survival of nonconforming structures. Lefebvre said she has not had time to review the document and would like more time.

Paula Ager asked regarding the difference between new and old structures. Weinzapfel addressed.

Attorney Grier spoke on behalf of Mr. And Mrs. Fein. We have a lot of properties in that setback. I discussed with my clients to find a solution to this. What if your house burns down, can you re-build? It is my view that your ordinance allows someone to rebuild within the footprint or close to it. There are people in the township that are concerned with that regulation. The second issue is enlarging a nonconforming structure. The Fein's want to put a dormer over the back of their house which is 20 feet into their setback. I recognize the planning commissions concern. If you have an existing nonconforming structure, and you expand it, you impact the neighbors. This is the intent with that language. But, I would propose that there may be a way to go up height wise on those existing structures. The proposed language goes up to two stories within the existing footprint. It won't negatively impact the neighbors. This would solve a lot of problems along that road.

Peggy Hale of Torch Lake Drive said they are in the process of selling the property. As the seller, she is concerned about the number of rules on her property. It's devalued the property before she can even sell it. How can a zoning/planning commission tell me what I can do with my property? That is the law.

Cole said if we are going to ask for more time, we need a formal application. Hefferan said we should have a week to review the information according to the by-laws and the information from the Fein's came yesterday. We haven't had a chance to review. Cole requested that we postpone this issue until next month and the Fein's should make a formal application.

Grier asked for clarification regarding next steps. He will submit an application.

Application for zoning change:

Application Received for a Zoning Change from Agriculture to Light Manufacturing regarding boat storage off Campbell Road: Boat House Storage. Mr. Anderson submitted an application to rezone from Ag to Light Manufacturing. We've talked about this a lot but a formal application was never made. Hefferan, Cole and Stilson will meet regarding this subcommittee June 15, at 5:15pm.

Public Hearing on Zoning Amendments 2015-01, 02, 03, 04, and 05:
Stilson read the procedures of the public hearing.

Communication: It was posted in the May 21, 2015 issue of the Elk Rapids News . No letters were received.

Amendment 2015-01:

This pertains to definitions and things we missed while we were re-working the ordinance.

Stilson read from the proposed amendment and discussed each proposed change.

All those speaking in support: No one wished to speak.

All those speaking against: No one wished to speak.

Motion by Cole to recommend approval to the Township Board of Amendment 2015-01 as printed in the May 21, 2015 issue of the Elk Rapids News. Seconded by Lefebvre.

Roll Call:

Lefebvre: Yea, because these are consistent with prior decision.

Merillat: Yea, clears up language.

Cole: Yea, clarifies some issues in the new language and strengthens it.

Hefreran, Yea based on 117.104.

Kopkau, Yea based on clarifies the language.

Stilson, Yea these are changes that needed to be made.

Motion carried 6-0

Amendment 2015-02 Winery and Cidery:

Stilson gave a presentation.

Mary Conlin mentioned correcting the spelling of “Severed” to “served”

All those speaking in support: No one wished to speak.

All those speaking against: No one wished to speak.

Motion by Lefebvre to recommend approval to the Township Board of Amendment #2015-02, Winery and Cidery, as printed in the May 21, 2015 issue of the Elk Rapids News with the typo corrected. Seconded by Kopkau.

Roll Call:

Hefferan: Yea, based on supporting agricultural diversification as per the master plan.

Kopkau: Yea, based on promoting growth in the township but keeping within the Master Plan.

Lefebvre: Yea, because it promotes agricultural land use and is consistent with the Master Plan.

Merillat: Yea, allows a use that is increasing in the area and keeps it to a smaller size.

Cole: Yea, because it promotes agricultural business models and protects neighbors.

Stilson: Yea, because it will help the area grow.

Motion carried 6-0.

Amendment 2015-03 regarding definitions of Kennel and Stable.

Stilson gave a presentation.

All those speaking in support: No one wished to speak.
All those speaking against: No one wished to speak.

Motion by Hefferan to recommend approval to the Township Board of Amendment 2015-03, Commercial Kennel/Commercial Stable, as printed in the May 21, 2015 issue of the Elk Rapids News. Seconded by Lefebvre.

Roll Call:

Merillat: Yea, because it cleans up the language.
Cole: Yea, because it brings the kennel definition in line with county health regulations.
Hefferan, Yea, because it promotes small business.
Kopkau: Yea, because it promotes small business and is consistent with the Master Plan
Stilson: Yea, provides much needed clarification.
Lefebvre: Yea, based on the cleaning up of the language.

Motion carried 6-0

Amendment 2015-04 regarding the definition of outdoor storage:
Stilson gave a presentation

All those speaking in support:

Mark White of Lake Avenue said he owns a storage condo at Ancient Mariner. The neighbors have done some outdoor storage and it is an eyesore. Will this fix that? It will not change what he is allowed to do. However, he must conceal or screen from view the outdoor storage.
Weinzapfel said he will address the issue that Mr. White is speaking of.

All those speaking against: No one wished to speak:

Hefferan referred to the minutes from January 2015. His feelings have not change. If we adopt this, we are being more restrictive in the Manufacturing zone than we are in the Agricultural zone.

Motion by Cole to recommend approval to the Township Board of Amendment 2015-04, Outdoor Storage as printed in the May 21, 2015 issue of the Elk Rapids News. Seconded by Lefebvre.

Roll Call:

Lefebvre: Yea, because it makes some necessary clarifications to decision making.
Merillat: Yea, it updates to better language and it makes sense to change the lot AR width because it is a transitional zone. Changes to the E zone make the ordinance more in line with the lots already in the zone.
Hefferan: Nay, it discourages development and does not agree with The Master Plan page 8-5.
Kopkau: Yea, it clarifies the language in the ordinance.
Stilson: Yea, it clears up the issues we've been having.
Cole: Yea, it allows for screening of outdoor storage and regarding dimensions in chapter 6 with Environmental lots, it brings it into line with other zones.

Motion carried 5-1.

Amendment 2015-05 regarding the rezoning of parcels of the plat of Hemlock Shores.
Stilson gave a presentation.

Those speaking in support:

Mr. Conlin said this does justice to these lots on the river.

Those speaking against: No one wished to speak

Motion by Hefferan to recommend approval to the Township Board of Amendment 2015-05, that the parcels of the plat of Hemlock Shores be rezoned from Environmental to R1 Residential as printed in the May 21, 2015 issue of the Elk Rapids News. Seconded by Cole.

Roll Call:

Kopkau: Yea, this brings the area into the same zoning as surrounding.

Hefferan: Yea regarding chapter 7

Cole: Yea, it brings these lots into compliance with their current usage and neighboring lots.

Merillat: Yea, it makes the parcels more conforming; however he is concerned with increasing density in the area.

Lefebvre: Yea, it provides greater consistency across the parcels that are in Hemlock shores.

Stilson: Yea, with reservations because it could have been done differently.

Motion carried 6-0.

Zoning Administrator's Report:

Update on the park plan. We are meeting in Alpena and giving a presentation to the MDEQ.

Update on Larry Smith PUD on Torch Lake Drive. Initially, he was looking for pump back system to the south. We may be going from a multi-user system to individual systems. There is a possibility of dissolving the PUD.

Agenda for next meeting:

1. Public Hearing for Torch River Marine Expansion.
2. Nonconforming lot overlay zone.
3. Rezone Ag to Manufacturing subcommittee report.

Motion by Heferan to adjourn at 8:40pm. Seconded by Kopkau. **Motion carried.**

Respectfully submitted,

Joseph Merillat