

Milton Township
Planning Commission
Approved Meeting Minutes
October 13, 2015

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

Members absent: Hefferan

Also present: Weinzapfel and 14 audience members

Stilson called the meeting to order at 7:02 pm.

Approval of past minutes dated September. 15, 2015:

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

Meetings or Announcements:

The Morgan Shores Private Road subcommittee has revised minutes and the owners have met all requirements of the fire department. A letter from the department will be forthcoming.

Agenda:

1. North Shore Docks Public Hearing.
2. Boat House Storage Report.
3. 25 Foot Protection Strip Report.
4. Non-Conforming Overlay Zone Report.
5. ZA Report.
6. Set Agenda for November 10, 2015.

Motion by King to approve the agenda. Seconded by Kopkau. **Motion carried**

25 Foot Protection Strip Subcommittee Report:

Kingon said they met on September 6th and are reviewing collected materials for the next meeting which is October 20th at 9:00am.

Boat House Storage Subcommittee Report.

Cole said there was some discussion of conditional zoning. Next meeting is October 20th at 10:30am.

North Shore Docks Public Hearing:

This is a public hearing for a rezone of parcel 05-12-302-017-40 from R1 - single family residential to M - light manufacturing. Stilson discussed the procedure for a public hearing.

1. Owner is William and Suzanne Hutchcraft.
2. Agent is Tad Dowker of North Shore Dock with a purchase agreement.

3. Property tax #: 05-12-302-017-40.
4. Application #2015-06.
5. Current use is R1 single family residential
6. Mr. Dowker is requesting a rezone of the above property from R1 to Manufacturing.
7. The parcel has residential uses on all sides except at the northeast side where it connects to light manufacturing. Across Indian Road is village zone with homes and across Birch Lake Road is Elk Rapids Township and is zoned R1. The future land use map does not suggest an expansion of the manufacturing zone.

There is no conflict of interest of the board members on this subject.

It was advertised in the ER News on Sept. 24th, 2015. Secretary Merillat read the letters received.

1. Nancy and Ronald Mutch wrote a letter in opposition to the proposed zoning change.
2. Catherine E. Allegrina wrote a letter in opposition to the proposed zoning change.
3. Frank and Joanne Rosengren wrote a letter in opposition to the proposed zoning change.
4. Anne E. Hatch wrote a letter in opposition to the proposed zoning change.
5. Jim and Gera Witte wrote a letter in opposition to the proposed zoning change.
6. Ross Anderson wrote a letter for informational purposes regarding the proposed zoning change.
7. Joseph and Doris Geroex wrote a letter in opposition to the proposed zoning change.

Applicant Tad Dowker gave his presentation. He is the owner of North Shore Dock. He's been in business for 8 years. Currently he is working out of his home. They have 12-15 employees and are looking to expand. They have three storage buildings on Indian Road. The goal for the property is strictly indoor storage. To address the issue of things currently being stored outdoors is because he's in the process of acquiring property that would allow him to screen the materials being stored outdoors. This piece of property was originally AG. It was then changed to M. Then, later it was changed from M to R1. The homeowner needed to refinance. If you look up and down the road, it isn't spot zoning. There are all kinds of businesses. We do dock and hoist installs, removal and very little storage and repair. We must do this under the M zone because that is where it is allowed. Obviously if someone buys it down the road, it could be open for them to do other things. My hope is that the board could regulate that if that were to happen. My goal is to keep expanding our business. We have 600 customers and 15 employees. We aren't going to increase traffic. We have three crews driving in the morning and back in the afternoon. We have enhanced the look of the property.

Comments/questions from the Planning Commission to the Applicant:

Kingon said he submitted an application and there was a letter from Mr. Hutchcraft that was attached to the application in support of the application.

Public Comment for Informational Purposes:

Gerra Witte of Birch Wood Drive asked what type of equipment do you have in the workshop We don't have equipment. Its things we take on the job. We have a small lawn tractor and a small pontoon with nothing on it. We don't do much work at the shop. The extent would be

small welding jobs or using small hand tools. We don't have things that make a lot of noise. Most of what we do is off site. What is the size of the building you are planning? It would be similar to the size of the other buildings we have now.

Shawn Kellogg of Birch Lake Road:

His concern is that with removal of docks, those have to be moved in; he can't imagine this is a quiet process. Almost everyone stores their dock and hoist on their property. Perhaps 15 of those people out of 600 need off site storage. There would be loading/unloading of these docks a couple of times a year.

Joseph Jerue of Birch Lake Road said he feels there is no guarantee that this property wouldn't be sold to a person who would develop it into something more disruptive.

All those speaking in support:

No one wished to speak

All those speaking against:

Marshal Wright of Birch Lake Road. He is a certified citizen planner. He feels this is spot zoning and this is surrounded by single family residential homes. I'm not concerned about what happens now, it's open to anything that is allowed in that M zone. I request that you deny this zoning change.

Bill Hutchcraft explained some of the history of the property.

Elizabeth Cason of Birch Lake Road, with property adjacent to the sale, said she is opposed to the rezoning of the property because it would devalue her property to the point at which her loan may be called in.

Jim Witte of Birch Wood Drive, expressed opposition the rezone of this parcel. It's not what goes on now, but what the future uses could be in the M zone.

Planning Commission began deliberations.

Cole said he is looking at the trend on this stretch. Is it going R1. This expansion to Manufacturing would create an L shaped piece that would be surrounded by R1. It's not large enough to accommodate multiple manufacturing processes. I'm leaning toward this being an R1 property. Even though you would screen it, I think that on the north and south sides, it's surrounded by R1. On the east side it's half R1.

Merillat said he would echo Cole's sentiment. It's surrounded by R1. The future land use map has that as R1. The master plan doesn't support the rezoning of the parcel. It was rezoned in July of 2007 from M to R1. Since that time, several people have built or bought homes around there with the understanding that it was R1.

Lefebvre said she does think this is inconsistent with the current zoning for the area. There was much thought that went into that decision to zone it R1. While it may not be clearly defined as spot zoning, it would be close. Keeping it R1, it doesn't cause practical difficulties with the owner.

Kington said he sat on the subcommittee and the reason we requested a public hearing and it was M in the past and was rezoned to R1. There was a home that was built right next to the property since that rezone. That really solidifies that this is R1. Adjacent neighbors do not support this rezoning. That convinces me not to rezone it to M.

Kopkau said she is for business development in the area and likes to see people become successful. However, listening to the neighbors, this rezoning request is not a good fit for the area.

Stilson said his fear is what would happen if he were to leave the area. The uses for the M zone open that parcel up to many other uses that aren't compatible with R1.

Motion by Kington to deny resolution #2015-06 - application for rezone from R1 to M of parcel 05-12-302-017-40. Seconded by Cole.

Roll Call Vote:

Kington: Yea; based on the property is surrounded by R1 properties.

Lefebvre: Yea; based that the change is inconsistent with surrounding properties and it is inconsistent with the future land use map.

Merillat: Yea; it's not supported by the Master Plan. It is surrounded by R1.

Coel: Yea; because of the surrounding properties and the neighbors opposition and the potential future use

Kopkau: Yea; because of the R1 neighborhood and the neighbors' opposition to the rezoning.

Stilson: Yea; because of the R1 neighborhood.

Motion carried. 6-0

Non-Conforming Overlay Zoning Report:

Merillat said they had the fourth meeting on Oct. 12th. There were two proposals presented.

Weinzapfel created a map showing the lot sizes as a whole. The map shows lots that are buildable with normal setbacks. Most of the homes along Lake Ave. have no building envelope at all. Those lots are really restricted, also the lots down by the Torch River Bridge. You probably won't find a conforming lot down there. Two of three committee members recommend we do not make any changes any changes to the ordinance. The subcommittee is coming back to the full commission to see if there is any desire to make a change. A copy of Mr. Greer's proposals dated August 5, 2015 were given to the commission to review.

Stilson said he feels that if we change this, the homes would be stacked too closely. Our chapter 5 is in three sections.

Kington asked what the rationale behind not allowing staying in the same footprint is. Why not allow that? Cole said it applies to density. When you go up, you are adding more room in the home for more people. You are adding pressure to the septic. You are adding to the possibility of rentals. It's basically the density. Kington said the fact that this house was built in 1926, and now they are stuck. Lefebvre said they are not stuck. The structure can be enlarged, but not the parts that are currently not conforming. Merillat said because when it was built, there was no zoning, now the person is stuck. Lefebvre said it's because we have a vision for the area. With the lots we allowed relief, but we are not allowing relief on the structure. Cole said the lots/homes were valuable when they were purchased and they will be valuable when they are sold. Stilson said there are other townships that are more lenient regarding the percentages of setbacks. Weinzapfel said his fear is that you have some homes with no side yard setback. You're going up two stories and you're right next to the house next door. That's a fire hazard.

Merillat said the public was under the impression that the new ordinance changed what you could and couldn't do. It has not. Cole said as a subcommittee we are split, it would be 2-1 to turn it down. Kington said if you do the averaging, we'd still have the same safety issues you're getting now. Kington suggested the possibility of having the ZBA look at this? Weinzapfel said this would be denied. Merillat said you would need to seat a new subcommittee to draft language. The commission will take a month to review and discuss at next month's meeting

ZA Report:
Nothing to report.

Set Agenda for November 10, 2015:

1. 25 Foot Protection Strip.
2. Boat House Storage. (Boat House Storage subcommittee name is kept as is, rather than being changed to US 31 Overlay Zone.)
3. Non-conforming overlay zone discussion.
4. Set Agenda for December.

Without objection Stilson adjourned at 9:07 pm.

Respectfully submitted,

Joseph Merillat