

Milton Township
Planning Commission
Approved Meeting Minutes
July 12, 2016

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

Also present: Weinzapfel and audience members

Approval of past minutes dated June 14, 2016:

Correct number of audience members

Correct application date from 2015 to 2016

Motion by Kingon to accept the minutes as corrected. Seconded by Lefebvre. **Motion carried.**

Meetings and Announcements:

MTA meeting coming up. Paper work sent out.

Township Board Update:

Cole and Weinzapfel discussed some recent fireworks complaints. Weinzapfel is investigating this further with the township board to see what they would like to do.

Kingon asked Weinzapfel regarding the status of weekly rentals. Weinzapfel said there are some issues with the permit process with the health department. We also have some issues that need clarification regarding the minimum stay as well. Weinzapfel is following up with ads on the websites for rentals in our township. He will be notifying people that aren't in compliance.

Agenda:

1. Public Hearing on special land use for accessory structure for garage/pole barn

Information:

2. Public hearing for a rezone from Ag to Light Manufacturing

3. Protection strip subcommittee report

4. RV Campground subcommittee report

5. Discussion on administrative decisions

6. ZA Report

7. Set agenda for August meeting

1. Public Hearing on special land use for accessory structure for garage/pole barn

Information:

Ownership is a trust. The location is 9760 Cherry Ave., Lot 5 of Elk Rest Subdivisions.

A: Elizabeth Nichols of 534 Quail Ridge Dr. Traverse City MI

B: Marjorie Whittemore of 2830 Grand Due, Farmington Hills, MI

C. Deborah Francis of 11101 Mattes Dr., Williamsburg, MI

Property Tax Number 05-12-620-00. The applicant is requesting to build an accessory structure - a garage/pole barn that is larger than the square footage of the house. The current use is a summer cottage. The area is zoned on the north and south as R1. To the east, AG and west is Elk Lake. The hearing number is 2016-03U. The subcommittee of Hefferan, Kopkau, and Kingon reviewed the application and other items required such as ordinance 117. 305 that states accessory structures shall not exceed the total floor area of the principle building except as a special land use under section 17.1602.

There are no conflicts of interest. The meeting was advertised in the ER News, June 23, 2016. We have a letter dated June 29, 2016. From Otto Bud Sheriff of 9794 Cherry Ave., in support of the special land use permit.

The applicant gave a presentation about the pole building they would like to build on the property. They will make it fit with the character of the cottages and meet all of the setbacks. The building will take up about 5% of the property.

Stilson asked what would be stored. Boats, cars, etc. There are no living quarters and possibly one tree that will need to be removed.

Cole asked how long the cabins have been on the property. Since the 1920s. They are approximately 900 sq ft.

Questions from the Audience for Information Only:

No one wished to speak

Those speaking in support:

No one wished to speak

Those speaking against:

No one wished to speak

Board Deliberations:

All materials are in order for the special land use permit including the staff report.

Cole said this seems to be a large enough lot for the proposed barn. He's concerned with the two living quarters and possibly adding a third with the storage rafters. He would like to see specific language that prohibits living quarters. Cole asked the applicant regarding having plumbing. They said no.

Weinzapfel said by definition they cannot convert it into a dwelling. They can stick a bedroom and a bathroom upstairs. They can't have a bed, bath, and a kitchen which would convert it to a full dwelling. Except for the size of it, the third building is a right.

Kingon said the subcommittee went through site plan review and checked all of the compliance

issues and all were in order. The site plan is dated 7.12.16. This will be in the file.

Hefferan said because of the unique situation of this parcel, it makes the special use necessary. If they tore down their cabins, they could put up a 5K sq ft home and barn and not need a special use permit.

Motion by Hefferan to approve 2016-03 SU for construction of an accessory structure tax id 05-12-620-00 pursuant to and not deviate from the site plan dated 7.12.2016. Seconded by Kopkau. Discussion: Cole said this is not oversized for the lot.

Roll Call:

Kington: Yea: based on serving on the sub committee the site plan, regarding chapters 16 and 21 and found them to be adequate. Regarding lighting, they will comply with the lighting ordinance.

Kopkau: Yea: based on serving on the subcommittee and the site plan

Merillat: Yea: based on the staff report dated 6.14.2016 and the subcommittee report dated 7.12.16. It meets chapter 16 and the lot coverage standards.

Cole: Yea: based on it is the proper use of the property and a special use

Hefferan: Yes. It complies with the ordinance

Lefebvre: Yea: It complies with chapters 16 and 21

Stilson: Yea. Based on the subcommittee findings, the application, and the documents submitted.

Motion passed 7-0

2. Public Hearing for a rezone of a parcel from AG to Light Manufacturing and processing
Zoning District:

Owner is AFE Holding 13703 Campbell Rd. Kewadin MI 49648. Agent Marc Anderson, SR. At 8085 Cherry Ave. / Dan and Mark Anderson applicants. Other persons having legal interest in the land:

1. Liliun Inc. C/O Merrill Lynch at 39577 Woodward Ave., Suite 100 Bloomfield Hills, MI 48304
2. Richard Gaugler, PO Box 229 Kewadin MI 49648

Property tax ID number 05-12-535-005-00
Application number is 2016-07 for Rezone

There is no conflict of interest.

It was advertised in the ER News on June 23, 2016.

Lillian McLachlan submitted a letter in support of the rezoning of the property dated June 29, 2016. She is an adjacent property owner

Greg and Gail Ferris submitted a letter opposed to the rezone.

Marc Anderson gave his presentation regarding the history on the parcel. The ordinance change has hampered his ability to grow his business and put him in non-compliance. He has support of the Cullimore and McLachlan families who are neighboring property owners. This wouldn't negatively impact the area in any way. 49 percent of the people in this township live on the water and they need our services. If we can grow our business, we can help grow our township.

Rita Weir 5357 Quarterline Rd said she is concerned about what is involved in the future of the land. What if you sell the business? Then we are opened up to many businesses that could come in there. I'm concerned about my property values. Anderson said for anyone else to come in there and do something else, it would be very nonproductive since this is a booming business. Why turn it into something else? Weir said it's possible to have an SOB in this zone. Anderson said that would have to come in under a special use with approval from the township.

Hefferan clarified that if it was rezoned, under the ordinance someone could come in and open an SOB under a special use permit.

Comments from the Subcommittee:

Hefferan asked when Anderson bought the property: 2013. This ordinance was in effect when he bought the property. Weinzapfel said it changed as a total overhaul of ordinance and land owner didn't need to be notified because it was such a public process. Weinzapfel said he wants to say this was not a mistake in planning. They dropped the PUD. They can continue to do what was approved under the PUD and have an additional 4-5 storage buildings. It was a zone unto itself that was approved by the planning commission that had severe conditions. If it was a PUD now, he'd be amending the zone to do what he wants to do.

Hefferan asked if there was a recommendation from the subcommittee. Merillat said there was not.

Questions from the Audience for Information Only:

No one wished to speak

Those speaking in support:

No one wished to speak

Those speaking against:

Rita Weir, 5357 Quarterline Rd said she opposed because she is concerned with traffic and a decrease in her property values, and the kinds of businesses that could go into this zone in the future. It could become an SOB.

Hefferan said he would like to review the staff report dated July 12, 2016. He concurs with the report that this is not correcting any mistake made by the planning commission. Going back to 2007 and the minutes attached dated April 10, 2007: Future events are discussed regarding coming back to the board for permission to expand. He's not allowed to do that now because of the removal of the PUD. The roll call vote was unanimous to approve.

Cole said looking at the special land uses and the things that can fall into that, regarding chapter 16 and special land use procedures, section C, it talks about the process. After the public hearing, the planning commission may approve, deny or approve with conditions. This is an option in this case. Cole asked if you could approve some uses and then specifically deny others, such as an SOB. Weinzapfel said you have no legal grounds to do that because you've rezoned the area if it meets the criteria.

Kingon discussed the conditions for an SOB. They seem to be rigorous standards to meet.

Motion by Hefferan to approve application 2016-07, parcel 05-12-535-005-00 from Ag to Light Manufacturing and Processing District. Seconded by Kingon.

Discussion: Stilson said we have been through this so many times; I have a hard time with this rezoning. Cole asked if it changes to Manufacturing does it eliminate his present uses. Most of the requirements could be redone if there is a special use request. Regarding new requirements under the manufacturing zone, can you require marine repair only? Kingon said that one of the special use permits in the M zone is for marine service. Stilson said regarding chapter 8, that the Master Plan, this area isn't light manufacturing on the future land use map. Perhaps it would be best to change the Master Plan to support this zoning change before proceeding.

Roll Call:

Lefebre: Yea. The property is a good area for the zone. It supports the Master Plan to promote small businesses. The 2007 document discussed the need for boat storage.

Hefferan: Yea. Based on the master plan pg. 8-2.

Cole: Nay. Based on adding marine service and repair is too dangerous for a proposed rezoning. It also appears to be inconsistent with neighboring zoning. There is a need for boat storage, but that is already there. I don't see that we need a repair facility.

Merillat; Yea based on this being a unique situation. It was treated differently than other similar parcels. It's supported by the text of the Master Plan.

Kopkau: Yea. Based on supporting small business in the Master Plan.

Kingon: Yea. We should attempt to eliminate non-conforming properties. Conditional rezoning is not an option so a rezone is the best option.

Stilson: Nay. It is not supported by the Master Plan. The Master Plan should be changed before

this rezone goes through.

Motion carried. 5-2.

Public Hearing Closed.

Motion by Kingon to proceed to changing the future land use map in the Master Plan. Seconded by Merillat. Discussion.: We should go on record saying there is a procedural error and work to remedy it as quickly as possible. **Motion carried.**

Lefebvre said she has some material that indicates that zoning changes and the future land use map should be changed concurrently. Kingon said as long as we are trying to bring things up to date, that shows progress. Kingon said he appreciated Mrs. Weir's comments and concerns and the subcommittee did carefully consider all of those things.

3. Protection Strip Subcommittee Report: This is the same one we looked at last time, dated 6/9/16. We are looking for any comments or questions. Stilson said regarding boat access regarding our small lots. Kopkau said if they have 500 feet and they only have one spot for a boat. Cole clarified that this is for a ramp for hoists and dock sections. We expanded from 15 feet to 20 feet because boat hoists have gotten larger. We are looking at what is required to launch a boat. Stilson asked regarding removing dead trees/shrubs and the permit required and the exemptions. It should be changed from circumference to diameter. Hefferan suggested a change on 6A regarding water runoff. Change Must to Shall. He also appreciated the write up in the township newsletter regarding this issue. Weinzapfel also discussed 6A and where you would put water retention area if the steps are sloped back away from the waterfront. Cole said the goal is to try to stop a waterfall effect on stairs. The best situation would be wooden steps. This has to do with concrete or large stone. Anything that is impervious. Kingon said perhaps we should be so specific and request that the water be directed elsewhere. Cole said a question has come up regarding a boat ramp and a patio area on their 100 feet. And you currently must have one or the other. Merillat has a question on 3AII. Where are the criteria for the removal of trees, shrubs or ground cover? We need to cite or reference the site plan review standards. This issue will certainly go back to the subcommittee which will meet at 9 am on August 11th.

4. RV Campground Subcommittee Report

Hefferan submitted a report dated 6.23.2016. The question is would the full planning commission consider Honcho Rest or Torch Grove and would there be an objection to us looking at something like that in our township? Should we move ahead with looking at a similar RV park. We specifically excluded RV parks. Why? It may have come boilerplate from our consultant.

The subcommittee recommends including RV Parks in ZA ordinance, SC to be tasked with creation of such, and to schedule subcommittee meetings. The board agrees with proceeding. The subcommittee will meet at 8 am on August 11th.

5. Discussion on Administrative Decisions:

Stilson said he took a look at these two public hearings and the information provided by the ZA was inconsistent between the documents such as how the notice reads versus the application. Hefferan and Kingon said anything we can do to make things more accurate would be helpful.

6. ZA Report:

Fireworks will be addressed at the next planning commission meeting and he will follow up with the Health Department regarding applications and weekly rentals.

7. Set Agenda for August Meeting:

A. ZA Report: Fireworks/Weekly Rentals updates

Motion by Kingon to adjourn at 9:15. Seconded by Hefferan. **Motion carried.**

Respectfully submitted,

Joseph Merillat