

Milton Township  
Planning Commission  
Unapproved Meeting Minutes  
August 14, 2018

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

Members absent: Lefebvre.

Also present: Weizapfel, six audience members.

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

Approval of meeting minutes dated July 10, 2018:  
Minutes **approved by unanimous consent.**

Township Board Report:

Cole discussed the preliminary sewer information that was discussed at the meeting last night. Gail Campbell-Ferguson also spoke about the possibility of having a light pollution ordinance.

ZBA Report:

Kingon said the ZBA met to review and approve minutes. We also had a general discussion of the role of the ZBA.

Agenda:

1. Definitions Structure/Primary Structure/Premise Subcommittee.
2. Dowker Outdoor Storage/Marine Sales and Service Subcommittee.
3. Rezoning Subcommittee.
4. Set agenda for September meeting.

Public Comment:

Gail Campbell-Ferguson of Ringler Road expressed her concern about her neighbor's new dock. They have put in bright solar lights. It destroyed her view of the night sky. It may be time to start thinking about a zoning regulation. We are in a rural area and people who come from an urban area may not understand what we enjoy about this area and the night sky.

Bruce Murphy asked about the configuration of the lights. She has not been on their property and cannot say for sure.

Outdoor lighting is added as #4 on the agenda.

Fred Gulik discussed the shoreline protection ordinance. He has submitted a FOIA request for a certified copy of the new ordinance. It was done on March 12, 2018 and it is still not available on the internet. Why? Weizapfel said he has given Fred a hard copy of the approved language. When we have an amendment that is approved, I have to redo the ordinance. Weizapfel said he

will get it on the website as soon as he can.

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

1. Definitions Structure/Primary Structure/Premise Subcommittee:

The subcommittee met on June 26<sup>th</sup>. After reviewing the current definitions, they recommended changing the definitions to what is listed in last month's minutes. We are looking at changing it because the current definition of accessory structure includes too many things. We would like it to be more precise.

Cole said the only potential problem he sees is flush with the ground patios. What if someone has a deck on the ground? Trying to covering all the things that could arise is where that list comes from and we cannot cover everything. Weinzapfel said accessory buildings still need to meet the setbacks. If it is not fixed to the ground, it does not have to meet setbacks.

Matt Gitler of Torch River Road discussed his hot tub. He is wanting to see if he can leave it where it is, or if he needs to move it. It is not in view of anyone. Murphy asked if this hot tub would be an accessory structure under the proposed change. Hefferan asked if it is considered permanent. It can be moved and is not attached. Under the new language, his hot tub could stay.

Linda Spevasek asked if there was a size limit to what you are talking about. Weinzapfel discussed accessory building versus accessory structure.

**Motion** by Merillat to call for a public hearing on September 11, 2018 to remove 117.305A4. as recommended by the commission on June 12, 2018. Seconded by Murphy. **Motion carried.**

Discussion of definition of premise. Kingon said all surrounding townships use the dictionary definition of premise and we can do the same.

**Motion** by Kingon to call for a public hearing on September 11, 2018 to replace the definitions of accessory structure and structure in 117.201 with the following language:

“Accessory Structure: Anything constructed or erected which requires permanent location on the ground or attachment to something having such location subordinate to the principle building or on the same lot.

“Structure: Anything constructed or erected which requires permanent location on the ground or attachment to something having such location. A structure does not include irrigation system components or physical improvements that are flush with the ground such as patios, sidewalks, and driveways.”

Seconded by Cole. **Motion carried.**

2. Dowker Outdoor Storage/Marine Sales and Service Subcommittee.

The subcommittee met on July 30, 2018. Lefebvre wrote up the site plan review which members have a copy. Cole asked about the 30'x64' building for administration office work. Dowker said there will be two businesses running out of it. Dowker clarified on his site plan. On B7 there is a display area and we do not allow outside display areas. You can have outside storage, but not

outside sales and display in manufacturing. In terms of screening, everything would have to be screened. In specifying an 8' fence, it is good as long as everything is below that fence or tie it back to 117.1205D and do not specify a height for the fence.

Dowker said he can have a display area behind a green belt. Our thought was to put a display by the customer parking lot. We will put trees in front of it. The goal of it is to have our products where our customers can see them. We are going to have a retaining wall with docks you can see and walk on and a few hoists.

Murphy clarified the new definition of outside sales and display dated January 9, 2018.

Discussion between outdoor storage and outdoor display and what it says in the ordinance as to what is permissible in light manufacturing. Kingon said we can fix this by not labeling it as outdoor display. Cole said this is not included in manufacturing. If we want to do that, it is fine. We just have to add the use to the manufacturing zone. Merillat said a display inside is fine. We are talking about it because it is outside. The definition does not apply here. The previous special use permit approved for Boathouse Storage did not have any outdoor displays, only outside storage.

The commission discussed the special land use table 117.603A, Marine Sales, service, and repair are allowed in light manufacturing. Therefore, if the display is screened, it can be considered sales.

Cole said his only other concern was the visibility of the sign. Dowker clarified.

Dowker said a concern is an off-premise sign. Discussion of signs and how many he can have. Discussion of the area along US-31. What about the easement? There are no off-premise signs allowed. The sign on US-31 is fine. The fact he does not have a driveway out to US-31 is the problem.

Dawker said another concern was putting together a hoist outdoors under 117.205. Dowker is saying this is assembly not manufacturing. Basically, we want to make sure that what we need to do can be done outside. Cole said you can argue that many of those things can be done outside and are not manufacturing. The conclusion is you would have to put things together indoors. Merillat said that was our intent.

Hefferan said when we were talking about the re-zone, the public was concerned about this property being re-zoned. I suspect when we get to a public hearing, some of those folks will still have concerns. When you look at 117.2103,A,14, the main impact will be on existing infrastructure. The easement will be paved. This should be in a written statement regarding infrastructure.

Hefferan referred to 117.2103,B,21 which references location and specification for any proposed above ground storage facilities for marine repair service. Will there be any hazardous, fuel, oil on

site? Dawker explained he will have an outside fuel tank. The oil will go into drums and gets shipped out. This should be shown on the site plan.

Hefferan referred to shielding this property from neighboring land owners. We did rezone it to manufacturing, but it abuts other different zones. Other property is zoned ag and used as residential. Dowker showed a green belt he is putting in for the neighboring land owner.

Hefferan asked about the traffic on the easement, will you be coming and going at all hours and days? At our peak in the spring and fall, our offices are open Monday through Saturday. Dusk until dawn. We run five crews who leave in the morning, but then it is customers through the day.

Merillat said regarding 117.1204\*, we have one residential use to the east and there are no residences to the west on the other side of US31. There is no ag use abutting this property at all.

Merillat said regarding the special use, we do not have an additional section on Marine Sales, Service and Repair or Outdoor Storage in chapter 16. The subcommittee did a site plan review but did not go into 117.1601 or 117.1602.

Kingon asked about 117.2103,B,17, regarding illumination. Dowker said it is on the site plan.

Hefferan asked if we should go through chapter 16 tonight or do we want to send this back to the subcommittee and give Dowker an opportunity to further complete his application.

The subcommittee will meet again to go through chapter 16 and for Dowker to further complete his plan. The subcommittee will meet August 27<sup>th</sup> at 9:00am.

Merillat said he would recommend the site plan be formalized and not a sketch plan for this size of a project. We need the final copy that we will vote on be certified by an engineer.

Without objection items 3 and 4 are swapped on the agenda in order to accommodate a person in the audience.

### 3. Outdoor Lighting.

Hefferan explained that we could set up a subcommittee to discuss the issue. Kingon, Murphy, and Hefferan will meet on the August 23<sup>rd</sup> at 8:30 am.

### 4. Rezoning Subcommittee.

Kingon and Hefferan were on the subcommittee. Minutes are dated July 26, 2018. There is no application here. As you can see on the zoning map there is a small area where land zoned Ag is on the East side of SE Torch Lake Drive, then you have a bigger map that shows the parcels and we have an individual there who wants to do a split but cannot because of the zoning. This should be zoned R1. All parcels to the west are owned by the owners of parcels across the road.

**Motion** by Cole to call for a public hearing on August 11, 2018 to rezone from Ag to R1 the following parcels 05-12-219-005-30, 005-30, 005-45, 005-40, 005-20, 005-10, 008-00, 007-00 and 006-00. Seconded by Kingon. Motion carried.

Set Agenda for September:

1. Public hearing for definitions of Structure/Accessory Structure.
2. Public hearing regarding rezoning.
3. Public hearing to delete 117.305A4.
4. Dowker Special Use Request Subcommittee.
5. Outdoor lighting Subcommittee.
6. Set agenda for October.

Meeting adjourned by order of the chair at 10:00 pm.

Respectfully submitted,

Joseph Merillat