

Milton Township
Planning Commission
Unapproved Meeting Minutes
September 11, 2018

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

Also present: Weinzapfel and 8 audience members.

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

Approval of meeting minutes dated August 14, 2018:

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

Agenda:

1. Public Hearing - Definitions of Structure/Accessory Structure.
2. Public Hearing - Rezoning.
3. Public Hearing - Deletion of 117.305A4.
4. Dowker Outdoor Storage/Marine Sales and Service Subcommittee.
5. Outdoor Lighting Subcommittee.
6. Set agenda for October meeting.

Public Comment:

No one wished to speak.

Approval of Agenda:

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

1. Public Hearing - Definitions of Structure/Accessory Structure.

The subcommittee was formed at the request Weinzapfel and met June 26th to review these definitions. Kingon reviewed definitions of surrounding areas. We were concerned about the specificity of our definitions. The subcommittee recommended changing the definitions.

Hefferan discussed Public Hearing Procedures.

Any commission members wish to abstain: None.

Advertised: Elk Rapids News August 23, 2018.

Applicant: None.

Zoning Administrator Comments: Derman recommends that we refer this issue back to the subcommittee for review due to a new issue that has come up regarding the use of shipping containers. One has been placed in the front yard setback next to the shoreline. The question is, can it be moved? Notification was sent out to him on the violation. This is a 20-foot container. If we are changing that definition, we should consider something like this. Shipping containers are becoming big issues in discussions with MTA.

Questions from the Planning Commission members for information only: None.

Questions from the public for information only:

Fred Gulik asked if a person buys a vacant piece of property and is going to build a house on it in a year and he would like to put up a pole barn or garage before, is that permissible? No. The pole barn and the house must start together. There cannot be accessory structures without primary structures.

Correspondence: None

Those who wish to speak in support: No one wished to speak.

Those who wish to speak in opposition: No one wished to speak.

Hefferan closed the public portion of the hearing and began deliberations.

Motion by Kingon to table this issue so it can be discussed by our Subcommittee. Seconded by Lefebvre. **Motion carried.**

The Subcommittee will meet again September 27th at 8 am.

2. Public Hearing - Rezoning.

Parcels 05-12-219-005-30, 005-45,005-40, 005-20, 005-10, 008-00, 007-00 and 006-00 are being considered for rezoning from Ag to R1. Kingon discussed the background on the issue. All parcels are within 300' of the shoreline.

Any commission members wish to abstain: None.

Advertised: Elk Rapids News August 23, 2018.

Applicant: None.

Greg Jenkins is an attorney for Kelly Hagan (parcel 005-30). We support what the Zoning Administrator has brought before this commission. We have looked at this and we see no reason why the application would be denied. Facts that support this are we see no negative impacts. The request appears to be supported by the Zoning Administrator and the subcommittee. The parcels at issue are all adjacent to Bay Lake Fruit Farm subdivision and granting the request would be a logical addition. The affected parcels are less than 300 feet inland from Torch Lake and the intent appears that this should be in the R1 district. There may have been a failure or simple oversight that happened when the zoning map was created. The surveys and maps were submitted to you. All the front owners also own the back parcels. If the goal is continuity, that will meet the goal. The reason I am here is because my client entered a purchase agreement to sell some of these affected parcels. A lot split is not possible if it is zoned Ag. Granting this would not create non-conformity. The future land use map envisioned the residential districts moving a bit more inland. It is consistent with the Master Plan. This rezoning will not change the character of the township.

Questions for information from the Planning Commission:

Lefebvre asked why it was zoned Ag to begin with? Weinzapfel said it was just overlooked at the time.

Questions from the public for informational purposes: None.

Correspondence: None.

Those who wish to speak in support: No one wished to speak.

Those who wish to speak in opposition: No one wished to speak.

Hefferan closed the public portion of the hearing and began deliberations.

Cole asked if the land behind was suited for Ag land. No.

Motion by Cole to recommend to the township board the rezoning from Ag to R1 for the following parcels 05-12-219-005-30, 005-45, 005-40, 005-20, 005-10, 008-00, 007-00 and 006-00. Seconded by Kingon.

Discussion: Hefferan asked Weinzapfel if the other owners had any other issues. No.

Roll Call:

Lefebvre: Yea; because it is in support of the recommendation of the committee and the Master Plan.

Murphy: Yea; as it is consistent with the Master Plan

Cole: Yea; it fits the Master Plan and brings the property in conformity with the current use.

Merillat: Yea; the parcels are within 300 feet of the shore and it is clearly shown in the future land use map.

Kopkau: Yea; it is consistent with the Master Plan.

Kingon: Yea; it is consistent with the Master Plan and the future land use map.

Hefferan: Yea; this corrects a simple oversight on our part.

Motion carried. 7-0

3. Public Hearing: Deletion of 117.304A4:

This is regarding accessory structures larger than the primary structure. Hefferan discussed the background on this. We have had a few applicants who requested a garage or a building that would be bigger than their home. They would have to come to us and have a public hearing and pay the township to do this. We questioned if this is truly fair to residents with small homes. We have addressed a number of these over the years and never found a reason to not approve them. We were just putting hurdles in the way of residents.

Any commission members wish to abstain: None.

Advertised: Elk Rapids News August 23, 2018.
Applicant: None.

Questions for information from the Planning Commission: None.

Questions from the public for informational purposes: None.

Correspondence: None.

Those who wish to speak in support: No one wished to speak.

Those who wish to speak in opposition: No one wished to speak.

Hefferan closed the public portion of the hearing and began deliberations.

Motion by Lefebvre to recommend to the township board that the following ordinance revision be made: deletion of 117.305A4. Seconded by Murphy.

Discussion:

Cole discussed this history of this ordinance and why it was put in place.

Roll Call:

Merillat: Yea; lot coverage will take care of the issue. Fundamentally this is a fairness issue.

Cole: Yea; it puts too great a burden on those with smaller homes

Kopkau: Yea; as it just makes sense to remove this from the ordinance based on the facts.

Kingon: Yea; based on the reasons already stated.

Murphy: Yea; based on the reasons already stated.

Lefebvre: Yea; because it is consistent with planning and zoning.

Hefferan: Yea; it treats all homeowners the same.

Motion carried. 7-0.

4. Dowker Outdoor Storage/Marine Sales and Service Subcommittee:

Dowker gave a presentation of his project. He presented an updated site plan. We are seeking outdoor storage and an outside sales area. We have the green belts in place. The site plan is dated August 2, 2018. It shows where the dumpster and fuel tanks will be.

Lefebvre said after the last meeting, the subcommittee was brought back to review two areas of the site plan review: 117.1601 and 117.1602. We did review those, and the findings are presented in the minutes dated August 27th. We worked through the missing documentation and it will be called outdoor sales. Dowker said last time we did not review chapter 16 at all. In terms of meeting the criteria for site plan review, this application does.

Hefferan asked regarding the written statement 117.2103. All utilities are being supplied. Power will be underground. Existing gravel road will be paved. This is on the site plan. The culvert is

being widened to 40 feet. The biggest thing that we will impact is traffic with our employees and customers. Murphy asked about the greenbelt. Yes. It is a very mature green belt.

Hefferan asked Weinzapfel if he was good with the hazardous waste and fuel. Yes.

Greenbelt buffers are for the sales area and the nearby property owner to the east. These will be the same greenbelt that North Shore did on Indian Road.

Cole discussed the signage issue at the entrance. Dowker said he is not proposing a sign at the Quarterline entrance in this application, only a sign on US31.

Merillat asked members to pay attention to 117.1602 regarding review criteria for the public hearing.

Hefferan said many surrounding property owners were concerned about the rezoning. The property is quite far back from Quarterline. The easement is screened wonderfully up until the last home. Paving will eliminate dust for the property owners and it may increase speed on that road as well.

Dowker said Lee Powers owns the last house before his property. The green belt proposed is what she wants. She has put in an underground fence for her dogs to keep them out of the road. We will keep the speed low on the road and monitor our employees.

Kington asked if he would post speed limit signs? Yes, but it cannot be enforced because it is a private road.

Murphy said when we first looked at this in the spring the culvert area was a mess. All the homeowners were concerned about the culvert. This will fix that for everyone who uses that road.

The subcommittee recommends we move this to a public hearing for approval of this project.

Motion by Lefebvre to hold a public hearing on SU 2018-03 for Outdoor Storage and Marine Sales, Service, and Repair for North Shore Dock on October 9, 2018. Seconded by Kington.

Motion carried.

5. Outdoor Lighting Subcommittee:

The subcommittee of Kington, Hefferan, and Murphy met to discuss the issue of outdoor lighting in the residential zone. The subcommittee met August 23rd with residents. The minutes of the meeting were provided and discussed how other similar townships deal with this issue. Murphy said one of the biggest things that interfere is residential lighting and dock lighting. Although we have a commercial lighting ordinance, we do not have a residential lighting ordinance.

James Manning said he lives in Kearney township. One of his passions is night photography and it is an issue that he feels necessary to weigh in on. The night sky is still wonderful here. Some

people really do not think about it, but at night there is this whole world that opens up. I do not like to put too many restrictions on how people use their property but when it starts to impact others, restrictions should be considered.

Gail Campbell Ferguson supported the comments of James Manning. It does not take much to reduce that visibility. This is something we should consider now. There is a tourism component to this as well. People want to come here to see the stars.

Dean Ginther of Shippey Lane said he supports maintaining the dark skies in this area.

Neil Warner of Indian Road said he understands having lighting for outbuildings or your yard but finds some residential night lighting very bright. He would like to see this issue addressed.

Hefferan would like commission members opinions regarding if we should proceed with this. Murphy and Kingon feel we should proceed. Hefferan said he is on the fence. Merrillat asked how the other jurisdictions deal with this. It is something we must investigate. Cole said when we put the commercial lighting ordinance in, we wanted to put a residential ordinance in, but we were afraid the whole ordinance would go down if we included that.

Lefebvre said she would like to see the night sky protected. She would like to participate in working through this issue.

Kopkau said she is also on the fence about the issue.

Hefferan said he is getting the impression from commission members that the subcommittee should continue to meet and talk about it. The subcommittee will meet again September 27th at 8:30 am.

6. Agenda for October Meeting:

1. Public Hearing Continuation - Definitions Structure/Accessory Structure.
2. Public Hearing – Northshore Docks Outdoor Storage and Marine Sales, Service, and Repair Special Use.
3. Outdoor Lighting subcommittee Report.
4. Set agenda for November meeting.

Motion to adjourn by Cole at 8:45pm. Seconded Kingon. **Motion carried.**

Respectfully submitted,

Joseph Merrillat