

Milton Township  
Planning Commission  
Approved Meeting Minutes  
May 12, 2015

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

Members absent: Kingon, excused.

Also present: Weinapfel and 5 audience members.

Approval of past minutes dated April 14, 2015:  
Change ED Zone to E Zone on page 3.

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

Agenda:

1. John Peal: Additional Boat Storage
2. Zoning Administrator Report
3. Shan Louis: Road end access
4. Environmental Zone Lot Width
5. Public Hearing on Master Plan
6. Winery Ordinance
7. Ordinance Amendment #2015-01
8. Set agenda for next meeting

Torch River Marina Additional Boat Storage:

John Peal discussed creating additional boat storage. One building will come down. The new building will be smaller in square footage, but taller. This is time sensitive because he leases privately owned buildings in Rapid City which sold over the winter and he has 60 boats with nowhere to go next fall. We are not changing the use, just the size of the building. He showed a drawing and he has a formal application. Phases one and two go together, three and four go together. This means he will not have a showroom at all. There would be offices and a small store. He wants to see if there is a legal reason to go to subcommittee first. Stilson said it helps to make sure all of the material is organized and in place for the meeting. Lefebvre asked why he needs a new application if he is not changing the use. Because this is a condition of a special use permit. Cole said a subcommittee could look at it next week, we could have a recommendation by May 25<sup>th</sup>, but then we would bypass a step to take the subcommittee's recommendation to the full board for approval. The subcommittee will consist of Kopkau, Cole and Hefferan. They will meet at the marina at 6:30pm on May 14<sup>th</sup>.

Zoning Administrator Report:

Allowance for construction on existing nonconforming footprint. Warren and Barb Feign are looking at adding on to a nonconforming part of their home on the second level. They are in an area of small lots and nonconformity. The road side is 13.5 feet on the rear yard setback. They would like to add on to the second level. We have an existing relief on the nonconforming lots,

but not preexisting structures. These are not the only ones. There is a couple more on the docket. When you get consistency, you see if the planning commission would entertain an amendment. Cole asked if this would fall into the nonconforming lot relief. No. Is it covered under 117.502B. No. This does add volume to the nonconformity. Currently, you cannot add on to a nonconforming part of a structure. Are there other areas in the township that need this sort of relief? Weinzapfel said once you get past Harbor Beach, you are going north of Hicken, their lots are good sized. Cole read the current ordinance and asked whether an overlay zone would be desirable or not. The way I read this, it was written to prevent this sort of thing from happening. We are being asked to address this to see if we could have exceptions to this. Are the lots nonconforming too? Yes, unless someone has purchased two lots next to each other. We have made accommodations for nonconforming lots. If you had an empty lot, you would be able to build a house. Hefferan asked if you have a nonconforming structure on a nonconforming lot, and you tear it down, can you get the relief. Yes. Merillat said we should look into an overlay zone. Lefebvre asked where it would apply. S. Torch Lake Drive. Cole, Merillat, and Stilson will be on the subcommittee to look into the issue. They will meet May 19<sup>th</sup> at 1:30 pm.

#### Road End Access:

Shan Louis questioned public access use at road ends. She lives on the corner of Campbell Road which has a 66 ft public access to Lake Michigan. Recently there has been construction to the north and a home doing an addition to the south. She was told to come to this meeting. She was then told to come to the township board, but that was yesterday. We have some uses of the public access that I've never seen before. They are using the access as their private driveway. Is that acceptable? Neighbors to the south and seem to be encroaching by planting trees in the right of way. It is becoming not user friendly. I use this access regularly. The township should be concerned with these two landowners who seem to be encroaching from both sides. Stilson said we had something similar and the township put up fences on Lake Ave. The planning commission is aware of these concerns, but they should be addressed to the Township Board.

#### Environmental Zone Lot Width:

**Motion** by Cole to remove the environmental zone lot width from the table. Seconded by Hefferan. **Motion carried.**

Lefebvre presented the subcommittee's findings from the meeting minutes dated May 5, 2015. We were charged with looking at rezoning the entire district to R1 or just Hemlock Shores. There were some concerns with zoning outside Hemlock Shores. There are two areas that are not platted. The commission reviewed maps showing the areas. The subcommittee's recommendation is that we go with our original proposal to re-zone Hemlock Shores to R1. Merillat said if you could split these lots, you would have to make a conforming lot if it goes to R1. It would have to meet the 4/1 ratio. Yes.

**Motion** by Hefferan to accept the subcommittee's recommendation to rezone Hemlock Shores to R1. Seconded by Lefebvre. **Motion carried.**

#### Public Hearing Master Plan:

Stilson opened the public hearing for the Master Plan. Stilson discussed the procedure for a

public hearing. No one has a conflict of interest.

The Township Board has requested that the planning commission hold a public hearing and vote on its adoption. Stilson appointed a subcommittee on November 8, 2011 consisting of Cole, Luckett, and Merillat to review the Master Plan. Kingon replaced Luckett when she stepped down from the commission. They have met several times and we have before us final draft dated April 14, 2015. A copy has been available on the web site and was sent out to neighboring townships and the county for comments. Several were received and reviewed by the subcommittee. The public hearing was advertised in the April 23, 2015 Elk Rapids News. No correspondence was received by the secretary regarding the Master Plan public hearing.

Stilson continued the public hearing.  
Those speaking in support:  
No one wished to speak

Those speaking against:  
No one wished to speak

Planning commission closed the public hearing and began deliberations.

**Motion** by Hefferan that in accordance with the Michigan Planning Enabling Act (Act 33 of 2008) and following a public hearing this day May 12, 2015 the Milton Township Planning Commission Resolution #01-2015 being a complete copy of the revised and updated Milton Township Master Plan dated April 14, 2015 including its texts, figures, and maps be approved. Seconded by Merillat.

Roll Call:

Merillat: Yea, based on it removes the obsolete maps and brings the master plan up to date with the 2010 census.

Cole: Yea, it eliminates the old parts of the master plan.

Hefferan Yea, it is based upon the protection of the health safety and welfare of residents.

Kopkau, Yea, it brings the master plan up to date of the 2010 census.

Levebvre, Yea it brings the master plan up to date.

Stilson, yea because much time and consideration has been put into the updates.

**Motion carried.**

Public Hearing is closed.

Winery Ordinance:

The new version with last month's requested changes is presented in Draft v5, dated April 14, 2015. Weinzapfel will check with the attorney regarding Lefebvre's need to recuse herself from the vote on this. Cole discussed using Chapter numbers rather than the numbers 117.xx.

**Motion** by Cole to modify draft v5 of the Winery Ordinance, dated April 14, 2015, Subsections H, I, J, and K to read chapters instead of sections. Seconded by Lefebvre. **Motion carried.**

Zoning Administrator Report (additional questions continued from above):

Question regarding home business and how we keep it small. Six round trips a day seem to be the only restriction. Cole said he believes this would be difficult to enforce. Should a subcommittee look at this? There is also a limit on employees. This is meant to be a home business and kept small.

What limits a Multi-family development in the Village Zone? How many dwelling units are you allowed to have? Weinzapfel wants to make the board aware that the only restriction is 40% lot coverage as the basis for the number of dwelling units. Cole said this would have to go to a special use.

Are riding stables permitted under commercial stable. Lefebvre said we discussed this and agreed that this would come under the commercial stable. The way this reads now, it is not allowed because it is not listed. Hefferan read the minutes from March 2015 and it was discussed, but riding was not included in the motion. Merillat said at the time it was not added because there was not enough information. Cole said he does not see a problem with putting Riding in there. The parcel size will limit the business. Kopkau agreed. This will be added without objection.

Ordinance Amendments:

Amendment #2015-01

Changes:

P6-9 V: Strike “Village—add to “Side and Rear, Setbacks (feet)” #13 under Notes:”

P6-9M: Strike “Manufacturing—add to “Side and Rear, Setbacks (feet)” #13 under Notes:“

P6-9 E: Change 65,340 to 43,560

P9-3 117.903: Strike “Permitted uses—Remove “Foster Family Home””. Change to: “Additional Standards—Add “MAY APPLY””

P13-3: District Regulations: 117.1304, Change minimum lot area from 87,210 to 43,560 and change minimum lot width to 150

All notations requesting Remove “Foster Family Home” keep as is.

Amendment 2015-02: Winery Ordinance with changes listed above.

Amendment 2015-03: Horse Boarding with change Stable, Commercial to include “Riding” as a permitted use.

Amendment 2015-04: Recommendations for Outdoor Storage as presented.

Amendment 2015-05: Re-zone of Hemlock Shores from E to R1, lots 05-12-760-013-00 thru 05-12-760-027-00.

**Motion** by Cole to call for a public hearing on June 9, 2015 for Amendments 2015 01-05 to the Zoning Ordinance. Second by Hefferan. **Motion carried.**

Agenda for June:

1. Public Hearing on Zoning Amendments 2015 01-05.
2. John Peal Subcommittee Report.
3. Nonconforming Overlay Zone Subcommittee Report.

Motion by Hefferan to adjourn at 10:20 pm. Seconded by Merrillat. **Motion carried.**

Respectfully submitted,

Joseph Merrillat