

Milton Township  
Planning Commission  
Approved Meeting Minutes  
November 10, 2015

Members present: Chairman Stilson, Cole, Hefferan, Merillat, Kingon.

Members absent: Lefebvre and Kopkau.

Also present: Weinzapfel and 1 audience member.

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

Approval of past minutes dated October 13, 2015:

Corrections: Correct date of minutes to 10.13.15 and correct spelling of Cole on page 4.

Add note: Boat House Storage subcommittee name is kept as is, rather than being changed to US 31 Overlay Zone.

**Motion** by Kingon to approve the minutes with the corrections. Seconded by Hefferan. **Motion carried.**

Meetings and Announcements:

None to report

Township Board Report:

Discussion of the county recycling program and Karen Bargy's report

ZBA Report:

No meeting last month but will meet this Thursday.

Agenda:

1. 25 Foot Protection Strip Report
2. Boat House Storage Report
3. Non-conforming Overlay Zone Discussion
4. ZA Report
5. Set Agenda for Dec. 15. 2015

25 Foot Protection Strip Report:

Kingon reported that the subcommittee met on Nov. 3<sup>rd</sup>. We are moving ahead and taking a more rigorous approach than what we initially started with. Cole said it cannot be recommendations. We need to find the things that they cannot do, but walk the line between taking away property rights. The goal is protecting the lakes. The committee will meet again Dec. 1<sup>st</sup> at 9:00am. We will bring more language to discuss at that meeting.

Boat House Storage Report:

The subcommittee is reviewing the option called Conditional Zoning because all of the other options do not seem to work. However, the specifications for Conditional Zoning are very intense. It's very new to Michigan. You need the township board involved as well as a land use attorney. Cole said part of his concern is that it is not fundamentally different from the PUD we had. We pulled those because we did not want PUDs popping up all over the township. It feels like a PUD all over again. When you look at our AG land around the township, you could put a business there and not bother anyone, but what we had decided with the current ordinance was that we wanted to direct business to the two village areas. When you look at the Master Plan, there are several things: we desire to promote business in the township. On the other side of the coin, we want to protect open spaces and rural nature. We felt our ordinance protected both by directing businesses to the village. Conditional Zoning would allow business to spread everywhere. The subcommittee felt it was not a good way to go.

Mr. Anderson, owner of Boat House Storage, said he would like to approach the board and request a rezone to Manufacturing Zone again. He would like to do more homework this time and get the letters of support. After talking to a Petoskey zoning lawyer who gave him input from the zoning point of view, he is convinced it is not spot zoning. The business has been in existence for 28 years. If mini warehousing is becoming a big issue, we can drop that, but we need to expand our business to be more profitable. He's willing to pay the money to do it again. This property in this township needs to be brought to some kind of conformity.

Kington said that what he hears is that there is fear that Conditional Zoning would be a tool that could be misused by future planning commissions. Merillat said you would not be allowed to do things that are not allowed in the zone. Stilson asked what the difference between this and the PUD is? The contractual zoning, it's very tight. The way the law is written, said Cole, we have no input into the application. Kington said that is not the way he read it. Discussion regarding what is allowed. Hefferan said he is in favor of anything that would bring this property into conformity. Merillat said we turned the rezone request down based, in part, on spot zoning. Someone could bring new information that said it is not spot zoning. Stilson said on the surface, this conditional zoning looks like a solution, but it is quite complicated. Kington said these contracts run with the land and changes the deed. The only way it can be changed back is by a rezone. Cole questions if this is a good long term deal for the township. He does not believe it is because this is why we got rid of PUDs. Kington, Merillat, and Hefferan are for pursuing Conditional Zoning. Stilson and Cole are not in favor of it. Weinzapfel will work on gathering more information about Conditional Zoning and we will discuss it at the next meeting. Hefferan said he flipped through the ordinance and could not find anything preventing an applicant from reapplying for the same previously denied rezone

#### Non-Conforming Overlay Zone:

Last month the commission wanted more time to review affected properties. Kington said looking at Lake Street; you see real issues of public safety. When you come back down SW Torch Lake Drive toward the bridge, it is not as bad. If we allow non-conforming structures to expand, it could turn into Lake Street. You could be right. But, I'm not entirely sure. Cole said the argument against that is all they are asking to do is expand upward without encroaching on the

road anymore. The safety issue is that it does increase density and more traffic. Hefferan is satisfied with the current language in the Master Plan attempts to keep land owners from conflicting with each other. You do have to look at scale and density and that absolutely applies here. Ultimately, we have to protect the lakes and increasing scale and density will increase pressure on the lakes. Stilson said he's in favor of dropping it without a formal application. Without objection Stilson dissolved the Non-Conforming Overlay Zone Subcommittee.

ZA Report:

Chris is having trouble with his computer. He was unable to get the changes to the ordinance printed. Discussion of Hunt Road Relief. All conditions have been met.

Set Agenda for December:

1. 25 Foot Protection Strip.
2. Conditional Rezoning Discussion.
3. Set agenda for following month.

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

Respectfully submitted,

Joseph Merillat