

Milton Township
Planning Commission
Approved Meeting Minutes
April 10, 2018

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

Members absent: Murphy.

Also present: Weinzapfel and 2 audience members.

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

Approval of minutes dated March 13, 2018:

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

Zoning Administrator Report:

Weinzapfel reported that Kingon and Kopkau have been reappointed to the commission with terms expiring in 2021.

Township Board Report:

Cole discussed a greenbelt grant from Tip of the Mitt for the Bigelow property. Parks and Rec committee will be handling this. Update on Maplehurst property. An update/presentation was given on the time of transfer septic ordinance at last night's meeting.

Agenda:

1. Public Hearing on Weekly Rentals Ordinance Amendments - 2018-06.
2. Public Hearing on Signs Definition change - 2018-07.
3. Public Hearing on Chapter 2 New Definitions - 2018-08.
4. Accessory Structure Subcommittee Report. RE 2018-01 SU and 2018-02-SU.
5. Set agenda for May meeting.

Public Comment:

Fred Gulik of East Elk Lake Drive said he has issues with the 25-foot protection strip ordinance that the board recently approved. Gulik said he now cannot cut his bank down to be able to access the water. He discussed his riparian rights. He said he will be having his attorney draw up paperwork. Hefferan said he appreciates Gulik's time and concerns. Kingon and Cole discussed the cutout Gulik is trying to create. Gulik said he has no interest in abiding by this ordinance because of his riparian rights. He resents the fact that the board is taking 25 feet of his property. Kingon said he could do the excavation that he wants to do as there is no slope requirement for the 20' access to the water. Cole said what you have, you can keep, but if you want to change what you have on your waterfront, you must comply. Kingon said he and Gulik are neighbors and his waterfront is what we would like all waterfront owners to be, good stewards of their waterfront.

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

1. Public Hearing: Weekly Rentals Ordinance Amendments 2018-06.

No members had conflicts of interest. The hearing was advertised in the Elk Rapids News March 22, 2018. There is no applicant. Kingon said the ordinance has been in effect for five years and it has been used as a model in the area. An issue was brought to the attention of the Planning Commission by a resident who lives close, but not within 100 feet of the rental, so they are not notified of the contact information of the vacation rental. The subcommittee has met three times. The subcommittee recommends changing the 100 feet to 300 feet because that measurement is used for other zoning notifications. The second subcommittee meeting reviewed the Acme township ordinance. The subcommittee also identified three other issues that needed correcting. 1). We had a limit of 60 decibels for noise. In discussion, this is not practical because we have no way to measure. Now it reads that noise during quiet house 10pm to 8am should be limited to a conversational level. 2). Currently a rental log needs to be maintained to show who has rented the home. It is not practical and has never been used, so we recommend deleting this from the ordinance. 3). In the ordinance it was required to get an evaluation from the health department. The health department said they will not do that. Therefore, the health department's involvement for the certification can be dropped. There was also a third subcommittee meeting to discuss other recommendations from a citizen.

Discussion

Vern Lalone said he was interested in building a rental primarily for deer hunting. He does not believe there will be another home within 100 yards of the place. He is wondering who will be responsible for policing this rental ordinance. The commission members discussed the situation. The zoning of his land is environmental, and it could be considered a Bed and Breakfast under a special use (117.1604).

No correspondence was received in support or opposition to this ordinance amendment.

Those speaking in support:

Vern Lalone said this seems very reasonable to him.

Those speaking against:

No one wished to speak.

Public Hearing closed for deliberations.

Cole said he feels this cleans up the ordinance very nicely. Kingon said when they looked at the Acme township ordinance, they require a permit for any length of vacation rental whereas our ordinance is if the property is rented 4 weeks or more. At this point, having that flexibility should stay.

Motion by Cole to approve the recommended changes made by the subcommittee in the final draft dated February 14, 2018 and as published in the Elk Rapids News on March 22, 2018, and recommend the township board incorporate those changes into 113.00: Milton Vacation Rental

Ordinance. Seconded by Kopkau.

Roll call:

Lefebvre: yea; because it's consistent with chapter 7 of our Master Plan regarding tourism.

Cole: yea; because it cleans up the wording in our ordinance.

Merillat: yea; because this is built on lessons we have learned over five years and makes the landlord more accountable.

Kopkau: yea; because it cleans up the ordinance.

Kingon; yea; because we responded to a particular issue and addresses some of the impracticalities in the ordinance.

Hefferan: yea; because it's consistent with the Master Plan page 8-2 #5 under General Policy Statements.

Motion carried 6-0.

2. Public Hearing on Signs Definition Change - 2018-07:

This was originally raised because of concerns that some people who put their names and house numbers in the road right of way might be out of compliance with the ordinance. No one declared a conflict of interest. It was advertised in the Elk Rapids News on March 22, 2018. There is no applicant.

No correspondence was received in support or opposition to this ordinance amendment.

No one wished to speak in support.

No one wished to speak in opposition.

Public Hearing closed for deliberations

No comments from commission members or requests for additional information.

Motion by Cole to approve SU2018-07 and recommend the township board change 117.1701B as published in the Elk Rapids News on March 22, 2018. Seconded by Lefebvre.

Roll Call:

Kopkau: yea.

Cole: Yea; because it clarifies the ordinance.

Lefebvre: Yea; because it removes a nonconformity.

Kingon: Yea; because it rectifies the language.

Merillat: Yea; because it clarifies the language.

Hefferan: Yea; because it clarifies the language.

Motion carried 6-0.

3. Public Hearing on Chapter 2 New Definitions - 2018-08:

This is to correct an omission of publishing the definitions that went along with the ordinance amendment to 117.320D Shoreline Protection Strip (2018-02) that was passed on January 9,

2018. This was noticed in the Elk Rapids News on March 22, 2018. There is no applicant.

No correspondence was received in support or opposition to this ordinance amendment.

No one wished to speak in support.

No one wished to speak in opposition.

Public Hearing closed for deliberations.

Motion by Kingon to recommend to the township board that they approve 2018-08 the three new definitions in support of 2018-02 regarding earth change, pervious, and pervious surface as published in the Elk Rapids News dated March 22, 2018. Seconded by Cole.

Roll call:

Kingon: Yea; as it is required to support 2018-02.

Cole: Yea; because the definitions are necessary to clarify 2018-02.

Lefebvre: Yea; for the same reasons.

Kopkau: Yea; for the same reasons.

Merillat: Yea; because it was omitted in the publication of 2018-02.

Hefferan: Yea; for the same reasons.

Motion carried 6-0.

4. Accessory Structure SC Report: RE 2018-01-SU and 2018-02-SU:

Merillat said the subcommittee met on April 3, 2018 for both applications. Both are requesting an accessory building for storage. A special use is required under 117.305-A-4 because the combined floor area of all accessory buildings is greater than the principal building in the R1 zone. The meetings are outlined in two separate reports dated April 3, 2018. The subcommittee looked at the standards and answered all the questions in 117.1602 and 117.2105. In chapter 21 we decided we should use a sketch plan and we recommend waiving a couple items because of the size of the project. There was discussion on having to meet each one of these standards. One of the concerns is that the building does not change the character of the neighborhood (117.1602b). You cannot make a determination without seeing what the building will look like. We decided neither of these structures would change the character of the neighborhood. Everything is essentially the same on both applications except Lowry will have to remove more trees. Weltyk will not have to remove many trees. The building footprint for both should be flagged soon.

Cole said his question is how close these structures would be to the neighbors. Neither would be near neighbor's homes. Both are for storage. Merillat said both are recommended for a public hearing.

Motion by Hefferan to schedule 2018-01-SU for a public hearing at the May 15, 2018 meeting. Seconded by Merillat. **Motion carried.**

Kington excused himself for the vote on 2018-02-SU due to a conflict of interest.

Motion by Hefferan to schedule 2018-02-SU for a public hearing at the May 15, 2018. Seconded by Kopkau. **Motion carried.**

5. May 15 Agenda:

1. Public Hearing of 2018-01-SU.
2. Public Hearing of 2018-02-SU.
3. Discussion of the definition of dwelling unit.
4. Discussion of 117.305A4.
5. Set agenda for June meeting.

Meeting adjourned at 8:50 pm.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Joseph Merrillat". The signature is written in black ink and is positioned above the printed name.

Joseph Merrillat