

Milton Township
Planning Commission
Unapproved Meeting Minutes
December 11, 2018

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

Members absent: Murphy.

Also present: Weinzapfel, and five audience members.

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

Approval of meeting minutes dated November 12, 2018:

Fix typos: Page 3 “exasperating” to “exacerbating”; Page 1: Remove “are”; Page 3: The property next “door” rather than “store”.

Change Kingon to Hefferan on bottom of page 1.

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

Township Board Report:

Cole discussed proposed hiking and non-motorized trails at Maplehurst. The board has opted out of allowing commercial marijuana retail operations in the township. Weinzapfel discussed state legislature issues.

ZBA Report:

Kingon said the ZBA is meeting this week to review the minutes from the last month.

Agenda:

1. Public Hearing Tabled 11/12/18: Definitions Structure/Accessory Structure.
2. Short Term Rentals Subcommittee.
3. Village Zone Land Uses Subcommittee.
4. Outdoor Lighting Subcommittee.
5. Non-conforming Structures Subcommittee.
6. Event Barns Subcommittee.
7. Set agenda for January meeting.

Public Comment: No one wished to speak.

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

1. Public Hearing Tabled 11/12/18: Definitions Structure/Accessory Structure:

Hefferan discussed the history of this agenda item. Kingon and Hefferan were on the subcommittee. Weinzapfel said he and Derman have been in ongoing discussions on this.

Motion by Hefferan to take Public Hearing Definitions Structures/Accessory Structure off the table. Seconded by Kingon. **Motion carried.**

Merillat asked where we left the public hearing. It was left at deliberations.

Cole said he believes we want to turn this down and then keep researching the issue.

Motion by Cole to reject the proposed changes to the definitions of structure and accessory structure listed in 2018-10. Seconded by Kingon.

Roll Call:

Merillat: Yea, because further study is needed at the advice of our attorney.

Kingon: Yea, because we've had some examples that show it needs further study.

Lefebvre: Yea, based on the need for further research.

Cole: Yea, based on further research.

Kopkau: Yea, based on further research.

Hefferan: Yea, based on the recommendation of the Zoning Administrator and the attorney.

Motion carried. 6-0.

2. Short Term Rentals Subcommittee:

Kopkau, Murphy, and Hefferan were on the subcommittee. Minutes presented are dated November 27, 2018. There had been an inquiry as to why we do not allow mini storage in the village zone and would we consider adding it to the village zone. Hefferan said they looked at the map to see what land was left in the village zone. There is not a great deal of space remaining. We also spent time looking at the purpose statement of the village zone and how does mini storage fit into that. Cole said the reason to leave this out was because it would consume the remaining space. After further discussion, Hefferan said the goal is to have a walkable community and warehousing does not seem to fit into the purpose statement. However, boat storage is allowed. You can build boat house storage in the village, but you cannot build mini warehousing. Kopkau said the subcommittee agreed that it really was not a good idea to add that use at this time. Lefebvre said one way she had reconciled boat storage versus mini storage was that it is good for boat storage to be near the water and the village zones are near the water. She agrees that space is limited, and we need to be mindful there are a lot of changes coming with our waterfront in future years. Cole said he believes that boat storage was left in there because it already existed in the Torch River Village and we did not make it non-conforming by removing it. Do we want mini warehousing in the village zone or do we want this in Light Manufacturing? Boat storage today is a big deal. Both are great businesses and there is a need for them, but they chew up a lot of square footage. The intent of our village is to be walkable. Kingon said this piece of property is in the village, but not in the walkable area of the village. It has a limited use because of topography. Kingon said he is more inclined to go with mini warehousing. Merillat said they are currently allowed under special use in one zone – Light Manufacturing. The other point is the reason boat storage was in there is because the operation at the bridge would be incredibly non-conforming if it was not allowed.

Mark Anderson said that parcel will be limited in what can be there being that it is so low and wet. To me, if you allow boat storage, mini storage is the same thing. As per our zoning here, everything seems to be tightening up here as well as in Torch Lake Township.

Liz Atkinson said she cannot imagine if Charlevoix would have allowed mini storage downtown. There is an opportunity here to dictate how we want the village to look in years to come. We have the potential for a sewer system to come out here and there is the potential to be additional development.

Hefferan said the recommendation from the subcommittee is not to add mini warehousing to the village zone. There is no formal application. At this point, we will move on.

3. Short Term Rentals Subcommittee:

Cole, Kingon, and Merillat are on the subcommittee. Working on draft dated December 4, 2018. Kingon gave some history on the subject. The township board said they would like to see a restriction on the number of weeks allowed for renting. Kingon read from the new language which allows for 6 weeks of rentals. The rationale for this was looking at data for renting in Kewadin for six weeks, the average income would provide for taxes, insurance, and the cost of renting. Discussion of specific language. Kingon asked if members have any questions or concerns regarding the direction of the new language. Lefebvre asked regarding the overall administration of these contracts. If you are renting through these agencies you have the right to revoke the rental at any time. Hefferan asked audience members if they had comments.

Don Watkins: I think the real thing for the planning commission is to define the nature of Milton Township for the future. There will be more and more pressure from these rental agencies. I do not want Milton Township to become Orlando, Florida. Six weeks is half of the summer. That just turns the neighborhood to a commercial area. I think most of us could live with six weeks as long it is one week per month. Having two per four-week period in the middle of summer is tough on the neighbors.

Liz Atkinson agreed with Watkins.

Dennis Fitzpatrick said the rental ordinance does not pin down the weeks a person can rent, then it could drag out all summer. If you continue with having them obtain a permit, it must contain the weeks they will rent. This offers safeguards for the people renting, but not as many for the neighbors.

Bob Ford: I concur, and we have suffered through this. We did not save our whole lives to have a commercial operation next door.

Hefferan said he made some notes on the draft. He suggested four weeks for the term. If you look at the summer as 12 weeks, that is a third rather than half. Hefferan gave notes on fireworks. This changed at the state level and we can say it should comply with the state law. Discussion of the grace period.

Kingon said you look all rental properties, not just lakefront.

Cole said you could also have a situation where you could have a rental on both sides and even at four weeks your summer could still be ruined if you are a year round homeowner.

Dennis Fitzpatrick said in Traverse City there must be 1000 feet between rental properties.

The subcommittee will set a date in the future to meet again.

4. Outdoor Lighting Subcommittee:

Subcommittee of Kingon, Hefferan, Murphy. Working Draft is version 3 dated November 13, 2018. Kingon discussed the changes in this draft. Hefferan said looking at the minutes from last month, Weinzapfel was going to check in with Peninsula Township and the township board. Weinzapfel reported his findings. Peninsula has had issues with lighting. They give a sheet in their land use permit which shows proper lighting to be used. Hefferan said he would like to have township board feedback on Draft 3.

5. Non-Conforming Structures Subcommittee:

Kingon, Kopkau, and Lefebvre were on the subcommittee. They met November 20, 2018 and provided minutes of the meeting. Kingon said court cases have made it clear that non-conforming structures should be eliminated. The subcommittee had the discussion. We should not change our ordinance.

6. Event Barns Subcommittee:

Hefferan, Murphy, Lefebvre. The subcommittee met on December 5, 2018 and they will meet again January 3, 2019. Lefebvre said the township has been approached by Mark White if he can use his barn on US 31 for events. After we looked at this, it is more involved than first thought. You cannot make it specific to barns. It would have to be a use. Then, there would be size restrictions. Kingon said Torch Lake Township has something in place to deal with A-Ga-Ming Golf Resort. Lefebvre said they have time and noise limits with township approval. There is a bill in the state house which would prohibit zoning from prohibiting events as such. Hefferan said the Master Plan speaks to supporting farmers diversification.

7. Set agenda for January meeting:

1. Outdoor Lighting Subcommittee.
2. Short Term Rentals Subcommittee.
3. Event Barns Subcommittee
4. Election of Officers.
5. Set agenda for February.

Meeting adjourned by order of the chair at 8:54 pm.

Respectfully submitted,

Joseph Merillat