

Milton Township  
Planning Commission  
Approved Meeting Minutes  
November 12, 2018

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

Also present: Weizapfel and one audience member.

Members absent: Cole, Murphy.

Hefferan called the meeting to order at 7:04 pm.

Approval of meeting minutes dated October 9, 2018:

Correction on page 4: Replace second Kingon with Hefferan.

Minutes as corrected **approved by unanimous consent.**

Zoning Administrator and Township Board Report:

Weizapfel discussed a marijuana ordinance that will be necessary after the passage of the ballot proposal. Amendments 2018-09 and 2018-11 were approved by the board. Kingon discussed Karen Bargy's effort to build migrant housing. Weizapfel discussed progress on Maplehurst and the waterfront park property.

ZBA Report:

Kingon said they met last week and two variance requests were denied. Kingon discussed the details.

Agenda:

1. Village Zone Land Uses Subcommittee.
2. Public Hearing Tabled 10/9/18- Definitions Structure/Accessory Structure.
3. Outdoor Lighting Subcommittee.
4. Short Term Rentals Subcommittee.
5. Discussion of Chapter 5.
6. Set agenda for December meeting.

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

Public Comment:

No one wished to speak.

1. Village Zone Land Uses Subcommittee:

Kopkau, Murphy, and ~~Kingon~~ Hefferan met on October 22<sup>nd</sup>. Mark Anderson asked why we did not allow mini warehousing in the village zone. They are looked at the other uses in the village zone and they do not see any conflict, but they are hoping Cole or Merillat could provide some

insight. Cole said via email that warehousing uses up a lot of square footage that could keep other uses out. The suggestion was to keep warehousing into areas that might not be as dense. Merillat said the village zone is quite large now as it was expanded. We allow boat storage, but not mini storage. Kopkau said there really is not that much land available at this point for something like this. Weinzapfel said that is exactly why they did not allow it because they were worried about taking up the village zone with storage units. The intent was for it to be used for smaller businesses. The Master Plan recommends no further expansion of the village zone. Hefferan clarified that boat storage is allowed. Merillat said we have a lot of storage going on in Milton Township right now. Kingon said Rapid City and Elk Rapids have mini storage. I do not see any strong reason to not allow it. Lefebvre said it is difficult because there are so many permitted uses and many are similar. Kopkau said she does not see a big issue with it. Merillat asked what happens when your village land is gone? Weinzapfel said the next option is to expand it somewhere. Kingon said when he joined the Planning Commission, there was an idea to create a walkable downtown with plazas and no one has developed that. Weinzapfel said yes, and the township park may put a different perspective on that and the ability to get grants to establish more community areas. Hefferan said he is conflicted because of what is permitted in the Village zone and mini storage is not that different from what is currently allowed. Weinzapfel said he would like to look at the village zone map and see what land is left. Discussion about the specifics of how you could adjust the Special Use requirements in Chapter 16 for allowing a use in the village zone, similar to how we regulated SOBs. Lefebvre said she likes the idea of taking a good inventory of what is available. Merillat suggested going back to the subcommittee. Murphy, Hefferan, and Kopkau will meet on the November 27<sup>th</sup> at 5:30pm.

## 2. Public Hearing Tabled 10/9/18- Definitions Structure/Accessory Structure:

**Motion** by Kingon to take this issue off the table and re-table it until the December meeting for further study. Seconded by Hefferan. **Motion carried.**

## 3. Outdoor Lighting Subcommittee.

Hefferan, Kingon, and Murphy are on the subcommittee. Draft language was submitted and dated October 8, 2018, V.2. Kingon asked members to review last month. Merillat asked about enforcement and how to deal with grandfathering. If a previous neighbor does not complain, but a new neighbor does, how do they prove they were grandfathered? Merillat said he does not think Milton Township is causing issues. It is Traverse City and maybe Elk Rapids. The problem is in high density areas. Weinzapfel said he would have to cite him and then it would go to court. Kingon said what about witnesses. Then it would be he said/she said. It would be difficult to prove. Hefferan looked at the intent of our lighting ordinance 117.314. Hefferan addressed specific language and his questions. Kopkau said she is still not in favor of the changes. It seems too complex. Lefebvre said she likes the direction, but she is concerned that it may create problems between neighbors. Is that a good enough reason to not try? Weinzapfel will call Peninsula Township Zoning Administrator to see what kind of issues they have had with their ordinance. Kingon will create a new draft. Weinzapfel would like the township board to review it.

## 4. Short Term Rentals Subcommittee:

Cole, Kingon, and Merillat are on the subcommittee. The Subcommittee met, and minutes were

presented from the November 3<sup>rd</sup>, 2018 meeting. Some options include limiting the number of weeks the home could be rented. Requiring that the home be rented by someone who has a homestead in the township. Or, the other idea is only having a limited number of rental permits allowed. Kingon described the reaction to these options from the Township Board. The subcommittee will now look at precisely how to limit the rentals. The Board was in favor of limiting the number of weeks a homeowner would be allowed to rent. Kingon said he would like to keep the permit part of the ordinance and then included some condition on the number of weeks allowable to rent. The subcommittee will meet again November 20<sup>th</sup> at 9:00am.

5. Discussion of Chapter 5:

Kingon said the ZBA has a set of standards that must be met to grant a variance. On a recent variance request for Burkhart, he met all except one requirement and that was the spirit of the ordinance. The intent of the ordinance in 117.500 says that nonconforming uses should not be expanded. Kingon said he feels this is onerous. He is 5 feet too close to the water and 10 feet too close to the road. He wanted to move up and he was not exacerbating the nonconformity. He had spent a significant sum to buy additional property and update his septic system to accommodate his future living needs. We are not allowing him to do that. Kingon is asking the commission to review that. Weinzapfel said the issue with the size of the lot is that his house encroaches into the road right of way on one side. The property next door had to grant him an easement onto their lot for the existing garage to stay there. This was all done way back prior to his ownership. Kingon suggested changing the ordinance. Weinzapfel said this language is fairly universal from one township to another. Hefferan said he would like to set up a subcommittee to review this. Kingon, Lefebvre, and Kopkau will be on this subcommittee which will meet November 20<sup>th</sup> at 11:00am.

6. Set Agenda for December meeting:

1. Public hearing Tabled 11/12/18.
2. Outdoor lighting Subcommittee.
3. Village Zone Land Uses Subcommittee.
4. Short Term Rentals Subcommittee.
5. Non-conforming structures Subcommittee.
6. Set agenda for January meeting.

Meeting adjourned by order of the chair at 8:55pm.

Respectfully submitted,

A handwritten signature in cursive script that reads "Joseph Merrillat". The signature is written in black ink and is positioned above the printed name.

Joseph Merrillat