

Milton Township
Planning Commission
Unapproved Meeting Minutes
March 9, 2021

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

Members absent: Lefebvre, absent due to a death in the family.

Also present: Weinzapfel. This meeting was held via Zoom due to the COVID-19 virus as a webinar hosted by Beckett and Raeder. Michelle from Beckett & Raeder is helping present the meeting via Zoom. Number of participants unknown.

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

Approval of meeting minutes dated February 9, 2021:
Minutes approved as presented by **unanimous consent**.

ZA Report:

Weinzapfel said no update on the review of the RV Park from Beckett and Raeder or regarding the bid on the master plan revision.

Township Board Report:

Cole said the board mentioned the possible need for us to look at a steep slopes ordinance. The township is considering extending the sewer line. They are doing a survey and research on this issue.

ZBA Report:

Kingon said they will be meeting this Thursday.

Hefferan asked Weinzapfel the status of continuing meetings on Zoom. As of right now, we do not know. The thought is it will be a combination of in person and Zoom when it changes. He will keep us posted, as we do not know how we will meet.

Agenda:

1. RV Park Subcommittee Report.
2. Master Plan Update.
3. Public Hearing on Amendment to Winery Ordinance.
4. Formation of a subcommittee for a change to a previously issued special use permit.
5. Set agenda for April 13, 2021 meeting.

Public Comment:

Mac Whitehouse said COVID has shown how needed Zoom meetings are and he would support a blended format for future meetings to allow people to participate if they cannot attend in person.

Mike Neuman the owner of Waterfire Vineyards thanked the board for the work they did regarding this ordinance up for discussion tonight. It is a fair and reasonable compromise. It will allow us to stay competitive and grow as a business. We also think the draft ordinance is consistent with the master plan in that it will help promote agriculture and generate tax revenue. Regarding Old Mission Peninsula and the concern that wineries are getting into the restaurant and event business. The draft ordinance makes sure those kinds of things are not a problem here in Milton Township. For those reasons, we support the draft ordinance.

Andy Blodgett said he is happy to provide an update on the RV Park as an attorney for the applicant. One of the reasons Beckett & Raeder was hired was to have a dialogue with the township, but this has not happened yet. They are eager for this to happen.

Sue Kelly thanked the planning commission for taking on the initiative to get independent information. I understand the applicant has done a lot of work. The citizens have also done a lot of work. I think it is noble for the commission to take this on and get independent information and make sure the data you base your decision on is clear to you.

Motion by Ford to approve the agenda as amended. Seconded by Kingon.
Roll Call: Cole: Yea | Kopkau: Yea | Merillat: Yea | Ford: Yea | Kingon: Yea | Hefferan: Yea
Motion carried.

1. RV Park Subcommittee Report.

Kingon has recused himself from this discussion and is not present on Zoom. Merillat said the subcommittee has not met and deferred to Weinzapfel for an update. Weinzapfel said we got an email from Beckett & Raeder saying we should get an update this week. As soon as I hear from them, I will let everyone know and we will reconvene the subcommittee. Hefferan had asked last month that specific documents be provided to Beckett & Raeder. Weinzapfel said most of them were provided, but Beckett & Raeder was not requesting anything further. Hefferan said it is critically important that there was a lot of work done before we decided to engage Beckett & Raeder. If garbage goes in, garbage comes out. All of the information must be provided to Beckett & Raeder. What they choose to use is up to them, but we must provide them everything we have been given. Merillat agrees. The scope of work covers the five points and this is what the subcommittee expected. We did not discuss what we would give them in addition to what you outlined in your comments.

Andy Blodgett said as an attorney I am not pleading to talk with the engineering firm. It is a bit of telephone tag. Carrie May is on vacation. John was going to review documents in isolation and then fill out a report. That seems antithetical to me. I do not believe Beckett & Raeder has all of the information.

Hefferan asked if the letters regarding safety have gone out. Weinzapfel said no. Those letters have not been sent. Cole said as long as all of the technical information has gone to them that is what is necessary. Ford listed the letters that Hefferan requested be sent to Beckett & Raeder. Have these been sent? Weinzapfel said he is not certain but he will double check.

Tim Smith said it was very clear to us that all of those documents should have gone out by now.

What is concerning to me is if this report is being prepared and he does not have the documents, it will be inconclusive. Get a verification letter from Beckett & Raeder regarding what they have received so far.

2. Master Plan Update:

Weinzapfel said Beckett & Raeder has been requested to provide an estimate regarding updating the Master Plan. Hefferan asked Kingon regarding census data. This will be delayed until the fall before we can get this from the federal government.

3. Public Hearing on Amendment to Winery Ordinance:

Hefferan opened the public hearing. This is a proposal to amend 117.1621. Draft V5 dated January 25, 2021.

Hefferan discussed the process for the public hearing.

The public hearing was advertised in the Elk Rapids News, February 18, 2021.

Subcommittee chair Bob Kingon said normally Mike Neuman would speak at this point, but he already has. We have met on a number of occasions and developed a fifth draft. At last month's planning commission meeting, commissioners raised some points and we decided to get public comments and then incorporate those together before proceeding.

Hefferan opened the hearing to comments for informational purposes only. No one wished to speak.

Hefferan asked Merillat if any written communication was received. None.

Hefferan opened the hearing to comments for those speaking in support of the proposed amended ordinance.

Cindy: We are the neighbors to the west of the winery and we are in support of the proposed ordinance amendments. If anyone would be impacted it would be us. Our only concern is speed on the road. Even if this cannot be changed, we would still support them. They are a great neighbors and a great asset to our community.

Bill Knapp: He said he has reviewed the amendments and it is wonderful. Right now, many farmers have full time jobs to support their farms. The more you can do to help the farmers, the better. I am a neighbor of this winery and I am in favor of it. More things like this should be done to help other farmers.

Ben Cortaid: Ben is a neighbor on Sutter Lane. He supports the amendment and it is reasonable and it is a good thing.

Hefferan opened the hearing to comments from those speaking in opposition to the amendment. No one wished to speak.

Hefferan closed public comments and opened deliberations.

Kington noted the comments from last month that the subcommittee should deal with. Under events, we should be more generic regarding in the wording of the cited food law. We will revisit 7I and rephrase that. Also, the whole issue of guest quarters will be reviewed again

Cole said one of the things Kington sent out was the agritourism definitions. Cole said he is less than thrilled with those. The state does not have any official language here. Kington said he sent that information out in regards to our master plan.

Merillat said this is an ordinance change. It is not about the one winery we are talking about. I cannot support it because of number 8, which permits guest quarters. The buildings are basically detached motel rooms. Once we start requiring deed restrictions, that is a red flag for me. If they would be 960ft², we would not have to deal with the deed restrictions. It seems like this is preferential treatment to a winery/cidery. Are we prepared to allow every farm market to have guest quarters? If it is a good idea, we should allow it everywhere in the Ag Zone. What about beef and cherry farms? This should be in a broader discussion of agritourism. I don't think sticking it in here is a good idea.

Hefferan asked Weinzapfel what his position is. Derman stopped in today and he has the same concerns as Joe and Tom have regarding guest quarters. We have the weekly rental ordinance and we limit rentals to six weeks out of a year for both R1 and Ag. We require a Bed & Breakfast to get approval from the health department. Is that in here? Kington said this was in earlier drafts, but decided not to include it. Merillat said the health department would be involved during construction. Kington said yes. He thinks that was the reason it was dropped because they would already be involved.

Hefferan said this is an amendment to the ordinance. This is not about Waterfire Vineyards. I appreciate those that spoke in support as neighbors. Nonetheless, this is not just about this one particular vineyard. We are only allowed to add to our ordinance, if there is substantial reference to it in our master plan. Clearly we are tasked with supporting small businesses. Hefferan read from the master plan: we should support farmer's diversification and value added AG and direct marketing. Regarding events and guest quarters, are these agritourism or is that use more closely related to a commercial enterprise, which would not be allowed in that particular zone? If the ordinance is amend, then when we get to a special land use request under 1602.A.b, the proposed use should be consistent with the existing character of the vicinity. That is what I will be looking at.

Cole said wineries have a bit of an advantage in the tourism area in that with cherries and apples you can come look at the blossoms, but then there is spraying for much of the season, which is not conducive to visitors. What if you wanted to run the same kind of operation on a cherry farm? Merillat said you could do it all summer and all winter. There is nothing in this ordinance that says you have to be in the middle of the orchard. Look at Friske's Farm Market. They could stick 10 guest quarters there. This is not the way we are going specifically with wineries, but I do not think we could win the argument if another farm market wanted something similar.

Motion by Kingon to table this and send it back to the subcommittee. Seconded by Cole. Discussion: Merillat said if this were revised, we would need to start over with the public hearing process. We are getting into a habit of not following through with our public hearings. We should have sent this back to subcommittee last month. Kingon said there was no serious opposition to this draft from the public. Hefferan said he applauds the subcommittee regarding their work. Weinzapfel asked if we will bring it back and remove it from the table or will there be changes and we will turn the original one down? Hefferan said he is not sure at this point.

Roll call: Cole: Yea | Kopkau: Yea | Ford: Yea | Merillat: Nay | Kingon: Yea | Hefferan: Yea
Motion carried.

4. Formation of a subcommittee for a change to a previously issued special use permit:

Weinzapfel apologized for not having the applicants name and said the people who have purchased the Elk Rapids Marine own storage in Kewadin. Over by the recycling bins, there are a bunch of boats and a couple pole barns. It is accessed by Indian Road. They also have a fenced in boat storage area. This was approved long ago and part of the approval is that the barns cannot be used for maintenance. This was a condition of the special use. The new owners would like to amend the special use and use one of the buildings for boat repair.

Hefferan said if you read chapter 16, a special land use application goes to the ZA and historically we have set up subcommittees to look at special land use applications and I am not sure where our authority is to do that. 1601.A says it should be submitted to the ZA and then the ZA shall place it on the agenda of the planning commission. Merillat asked if the ZA requests a subcommittee, would we deny it. Hefferan asked what the subcommittee is being requested for. It appears we have gotten involved before an application has been filed and I am not sure that is our authority. Merillat said he thinks it is the time saving aspect. Weinzapfel could bring it to us four months in a row or we could meet with a subcommittee once and get the work done. Kingon said maybe we do not need a subcommittee on every single thing. Maybe you can discuss with Weinzapfel to decide. Weinzapfel said many times there are things that are not applicable. If it were coming from me, I would include everything as applicable.

Ford, Kopkau and Hefferan will be on this subcommittee and will meet in the Old Township Hall on April 7 at 5:00pm.

The winery subcommittee will meet March 15 at 11:00am via zoom.

April Agenda:

1. Winery Ordinance Subcommittee Report.
2. RV Park Subcommittee Report.
3. Master Plan Update.
4. Special Land Use Application.
5. Set agenda for April 13, 2021 meeting.

Weinzapfel asked about the steep slope ordinance. Cole said he does not believe there is anything immediate, but we should get started on it within a couple of months. If the board wants to formally ask us to look at this issue, they can do that, but no formal request has been made.

Hefferan said we take public comment at the beginning of the meeting, rather than at the end. We are sticking with that and are not taking any more public comment. Hefferan will make this clearer on the agenda.

Meeting adjourned by order of the chair at 8:43 pm.

Respectfully submitted,

Joseph Merillat