

Milton Township
Planning Commission
Unapproved Meeting Minutes
April 13, 2021

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

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. There are 28 people present at the start of the meeting.

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

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

ZA Report:

Weinzapfel said a state of emergency was declared by the Milton Township Board on April 12 that runs through July 31, 2021. Meetings will be on Zoom until then.

ZBA Report:

Kingon said a meeting is scheduled for this Thursday to consider a setback variance request.

Planning Commission Update:

Hefferan said he adjusted his agenda to make it clearer for everyone. Public comment will occur next.

Public Comment:

Lance Miller said he and Weinzapfel have been working on a zoning request. Hefferan said the special land use request is on our agenda under #3.

No one else wished to speak.

Move agenda item 2 to 1.

Agenda:

1. RV Park Subcommittee Report: Merillat.
2. Winery Ordinance Subcommittee Report: Kingon.
3. Boat Repair Subcommittee Report.
4. Master Plan Update: Weinzapfel.
5. Set agenda for May 11, 2021 meeting.

Motion by Cole to approve the agenda as amended. Seconded by Lefebvre.

Roll Call: Ford: Yea | Kingon: Yea | Cole: Yea | Merillat: Yea | Kopkau: Yea | Lefebvre : Yea | Hefferan: Yea

Motion carried.

1. RV Park Subcommittee Report:

Merillat said the Technical Review from Beckett & Raeder, Inc has been received and a subcommittee meeting to discuss this report will be April 21st. It will be a Zoom meeting starting at 11:30 am. Beckett & Raeder, Inc., township attorney Vermitten and all interested parties will be present.

Hefferan said it does not appear that all of the letters he requested were sent. Specifically the letter from Mr. Blodget and Ms. Milliken. In looking at Beckett & Raeder, Inc.'s report, I am confused. My question is are they relying on our original ordinance or our amended ordinance from December 10, 2019. Weinzapfel said they did receive those letters. It was later, but they had time to read and evaluate them. They were dealing with the old ordinance, not the amended ordinance.

2. Winery Ordinance Subcommittee Report:

Motion by Kingon to bring version 5 dated January 25, 2021 of the proposed amendment of the ordinance off the table. Seconded by Cole.

Roll Call: Kopkau: Yea | Merillat: Yea | Ford: Yea | Cole: Yea | Kingon: Yea | Hefferan: Yea
Lefebvre is recused

Motion carried.

Motion by Kingon to deny version 5 dated January 25, 2021. Seconded by Cole. Merillat asked what point we were in the process when we tabled it. Kingon said we were in deliberations. Hefferan asked if we need to make an affirmative motion rather than a negative motion. Merillat said it could be either way.

Roll Call:

Cole: Yea, I have seen the suggested improvements and they would be advantageous.

Merillat: Yea, based on my concerns from last month regarding the guest quarters.

Kopkau: Yea, based on concerns regarding guest quarters and events.

Ford: Yea, based on the concerns about guest quarters and events. The proposed changes are improvements.

Kingon: Yea, based on deliberations at the last meeting.

Hefferan: Yea, the proposed use would have a hard time being consistent with existing character of agricultural zones.

Motion carried.

Kingon said the subcommittee met last Friday and debated the events section and more deeply, the guest quarters section. As a result, we decided to bring before you two versions. One version excludes and one that includes guest quarters. Kingon shared his screen. The changes were discussed in version 6A first. Merillat said including the GAAMPS language was counterproductive, the language for item 7 was to allow weddings or some other event. GAAMPS is talking about marketing events, which is an expense not an income stream. Kingon read from the GAAMPS language and it appears it could be both. Cole said the words "related events" seems to be opening up the standards. More so than when we had the cabin idea. Kingon

said this could be removed. Discussion of adding “alcoholic” beverages created by the winery may be served.”

Kington discussed the background on Version 6B and how it handles guest quarters, specifically in #8. Ford said he tried to look from a marketing standpoint, how you would look at this. Instead of being a rental unit and I am the farmer, I am offering a package deal and you are involved in the experience of the winery through a weekend and during the process I am providing you with food and a place to stay. Hopefully this new approach enhances the experience and allows the owner to diversify the operation a bit. This is looking at it as a guest quarter and not a rental unit. Hefferan asked about D, which gives the number of days as a minimum of 1 and a max of 31. Kington said once you go beyond 31, then it is a more long-term rental and we do not think that would be appropriate. One day, you would not expect people to come for an extended stay, but this would be more one, two, or three-day stays.

Hefferan asked regarding H. Deed restrictions. Why do we need deed restrictions tied to a winery? If the winery closes, then that is that. They would not fall under the ordinance anymore. Ford said this was when we were looking at them as separate buildings; maybe we do not need it now. Kington agreed. Mike Neuman, the applicant, said the language on the deed restrictions is a holdover from the old version. The reason it was put in was that you could be left with a property that had multiple cabins that could be used for something else. He suggested it is no longer necessary if it is integrated into the tasting room. Regarding alcoholic beverages, the state has laws stating that the winery could not sell anything other than what they make.

Weinzapfel said you have allowed people to use garages under these circumstances, how are you going to prevent people from utilizing those rooms after the winery closes? Cole said he is concerned about 31 days. He feels this is too long. Kington agreed. Mike Neuman agreed and said he does not think 31 days is necessary. Maybe 14 days? Cole said he feels this may still be too long. Neuman said many people come from quite a distance and there is a shortage of places to stay. A week is a very common stay. Hefferan said this would be consistent with the B&B ordinance. Cole is wondering about the term “guest” and if we are trying too hard to hide they are paying customers. The word “guest” is used in the B&B ordinance. Merrillat said why would this not be considered a motel or hotel? It is not allowed in the AG zone. Kington said it is more of a B&B and the owner is occupying the same property. B&B is allowed in AG. Neuman said how this is different; it is the language that talks about the purpose is to promote and sell the products of the winery. The reason to bring people to the property is to sell products. That is why others could not work with this because it is tied to the promotion and sale of the farm products.

Kington said he would like to see, as subcommittee chair, is whether we should move forward with including the guest quarters or not. Weinzapfel said now that the rooms are integrated into the tasting room, he does not have an issue except, when or if it does shut down, what will the rooms be used for? Hefferan agrees and applauds the work that has gone into this and the creative way you have fixed the issues from draft 5.

Merrillat said he does not see much difference between this and the last draft. Right now he would not be in favor of the guest quarters version of this. Merrillat said it should not be “Marketing Events”, but rather “Events” and take everything out related to GAAMP. Cole said

he can see it as being a marketing type thing and likes the idea of using the B&B language along with the winery. Cole said he is having a hard time supporting either one right now. Kingon said the subcommittee will keep working on it. Hefferan thanked the subcommittee for their work.

3. Boat Repair Subcommittee Report:

Ford said the subcommittee met on April 7. Lance Miller is requesting an amendment to a special use permit which was issued in 1994 and amended in 1998. It was previously a boat storage facility. New owners ERM Real Estate have purchased it. Lewis and Susan Cooper. They are asking to be able to do light maintenance as well as boat storage, which would include shrink-wrapping of boats, winterizing in the fall, dewinterizing in the spring and this would entail making changes to the property. Bringing in power, adding a well and bathrooms. They also purchased the antique mall in the village and that is where they will do heavy maintenance. They have submitted a site plan of the new changes where they are asking for one possible new building and adding a buffer around the property and cleaning up the property.

Lance Miller addressed the commission as the applicant's agent. He is happy to answer questions. Weinzapfel said it appears now that they are going to be clearing out quite a few trees for additional storage. Miller said that is in limbo right now. There is a buffer zone by the road. Question if this would have outside storage of boats? Yes. Cole asked how you differentiate between heavy and light repairs. Miller said the majority of the boats are pontoons or outboard engines. Those are not like a car and they are easy to winterize. The engine shop would be in Elk Rapids. If we get into that process out on Indian Road, we would have to get permits from many state agencies. Cole asked what we are being asked for. The subcommittee has met and Miller would like an amendment to the special use permit. Miller said we would be winterizing and shrink-wrapping and then putting them into storage. In the fall you check the gear case for water, and you fill it with a pump system and then store the boat. Cole asked what you would be doing with bad gear fluid. Miller said it would go into a waste containment system and a company comes and takes it away.

Kingon said his only concerns are that there is sufficient buffering and screening. Is there such a thing as white shrink-wrap? We will not be storing boats on property in Elk Rapids. Everything else would be switched to white shrink-wrap. The minutes from the subcommittee report did not make it from Kopskau. Ford asked Miller to discuss the gate that he would like to put up. The property is a square and a rectangle. There has been a two-track road going through that area forever. We would like to put a gate across that two track to limit access to the property. We would set up a key system for the fire department to use.

Hefferan said marine service repair is allowed by special use in the village zone. The definition is very straightforward. We talked in the subcommittee about hours of operation and we were comfortable with 8 am to 6 pm Monday through Saturday. There is no objection to the significant buffering that needs to be done in the area where it borders a residence.

Merillat asked what the special use allows and what is being done? It is outdoor and indoor storage. And this is allowed by the special use. Back in '94/'98, they did not want to have any water or septic and they did not want to have any maintenance going on there. If you drive by, they have been doing a good job cleaning things up a bit. Merillat asked for an existing site plan.

It was included in the packet. Did the subcommittee go through a site plan review? No. The ZA will advise us if that is necessary. Merillat said he does not see how this can be avoided if a new building is going up. Miller said with what we have going on, we could take the new building off and revisit this in a year. Merillat said he is comfortable with that. Merillat asked regarding a dumpster on site. Miller said we will have a dumpster on site. Ford said Miller would submit a revised application and then we would try to go for a public hearing at the next meeting. Merillat said he has questions about the site plan. What is the date of the drawing provided? This is a combination of old and new. Hefferan said the electrical and septic is on the application but it does not need to be on the site plan. Merillat said he would like an actual site plan, as this is a sketch plan. Merillat said if you look through the site plan review, even the dumpster is on the site plan review. Merillat said there should be some documentation that shows these are the things we do not need.

Weinzapfel said we already have existing use and existing buildings and he does not think the changes are big enough to warrant a site plan review. Merillat asked if the current use is in compliance now. Yes. Hefferan said 1601.C.2 talks about public hearings and how they get scheduled. The ZA should be scheduling these. The commission does not have to vote. Weinzapfel said he will meet with Miller and create a new site plan and go through chapters 16 and 21, which will need to be addressed at the public hearing. The subcommittee will be scheduled shortly. Weinzapfel will then schedule the public hearing.

4. Master Plan Update:

No report at this time.

5. Agenda for May 11, 2021:

1. Winery Ordinance Subcommittee Report.
2. Torch River RV Park Subcommittee Report.
3. Special Use for Boat Repair.
4. Set agenda for June meeting.

Meeting adjourned by order of the chair at 9:10 pm.

Respectfully submitted,

Joseph Merillat