

Milton Township  
Planning Commission  
Unapproved Special Meeting Minutes  
January 24, 2022

Members present: Chairman Hefferan, Peters, Warner, Cole, Renis, Ford, and Merillat.

Also present: Kopriva, Peterson, and Attorney Vermitten.  
30 audience members in person. Unknown audience members on Zoom.

Hefferan called the meeting to order at 6:00pm.

Public Comment:

Hefferan noted that the record has been closed for public comment for the RV Park. Additional public comment will not be considered.

In person public comment:

Gary Doty of Fairmont Drive is against the proposal and he read from the findings of fact from Beckett and Raeder. Deny this application.

Rebecca Milliken on behalf of TESA said she will comment on material already on the record. Her clients accept the finding of fact provided by Beckett and Raeder. Deny this application.

Kelly Wells of Miller Road said she is concerned about the new private road off Miller Road. Do your research and be aware of the safety concerns. The greenbelt on this plan will not grow five feet in the first growing season.

Terry Roote of Cherry Ave said regarding the finding of facts, there are a couple discrepancies and he cited storm water should be retained on site. That has not happened. He has had storm water on his property five times. The screening is also a concern. There is no screening on his property line.

Sharon Hill of Torch River Road discussed the concerns with the current RV Park at the marina. She is also concerned with outdoor storage at the marina.

Brenda Hasso of Torch River Road discussed the history of the greenbelt on this issue. It does not meet the requirements of the ordinance. Deny this application.

Dan Sijowski of Torch Lake Drive said the fact that you have so much outcry against this project, there is something wrong with this project. Do not make a bad situation worse.

Jim Brewer, the applicant, said it has been over 900 days since we started talking about this project. You know the truth. We are not developers. We have 100 years of experience in engineering. We are local business owners. The original RV Park was put in the 1960s and it is grandfathered. The majority of people in this room suing us are from TESA. Brewer discussed the history of the project from 2018. In 2019 we talked to the Zoning Administrator again and we acted in good faith and now I do not have a chance to defend myself.

Andy Blodgett, attorney for the applicant said public comment was closed at 3:00pm on January 3, 2022. It is unfair to take documents at 5:30pm and not let us respond. A settlement offer was made and we will continue to discuss that if you desire. We are allowed to be in the closed session if you would like. We have sent you our own findings of fact. The major difference is whether the clearing was done with the knowledge of the Zoning Administrator.

Carrie May of Gourdie Frasier said she is here to answer questions tonight on behalf of the applicant. I would like to talk about the ways you believe we are not conforming to the ordinance and give us a chance to meet the standards.

Don Passenger, attorney for the applicant, discussed the history of the project. This is in compliance. You should adopt this.

Janet Neissen of Rex Terrace Road is opposed to the RV Park. There is a great concern about the quality of the environment. She does not believe the only people concerned are those who are suing the applicants.

In person public comment ended at 6:34pm.

Zoom public comment began:

Chris Grobel with Grobel Environmental represents neighboring land owners. In your findings of fact, the storm water requirements supersede the county. This is not met. The storm water is not supportable as testing has not been done. They have not complied with either. This use does not comply with this district. Deny this permit.

Susan Rider discussed something that happened in Illinois where a person was given a permit based on the applicant saying they would not do something and then went ahead and did it. If this is approved, I hope you will find some way to codify the operating rules. If they cannot be enforced, then you could have a problem.

Brian Kelley is a resident of Acme Township. He discussed the sediment plumes that entered Acme Creek from the construction of the Meijer store and how this application is similar to that project.

Sally Bell Methias is a neighbor of the marina has concerns about environmental pollution from this development.

Tish is a resident near Elk Lake and asked the board to deny this application.

Tonya Lewandowski of ECT said she supports the findings of fact. Take a look at the storm water. It is not being provided or met. The greenbelts have not been met. The steep slopes are concerning as well. Deny this application.

Keith Bay of Rex Terrace Road said just because you can do something does not mean you should do it. This is a nice idea but it is the wrong place for it. There is no assurance that things will be as they have been laid out. It is a good idea, but the wrong place.

Linda Bay of Rex Terrace Road is concerned about the environment and pollution regarding this

application. Deny this application.

Kristin Rim of Rex Terrace Road is concerned with the amount of lots they want to put in that small amount of property. The density is too high. Deny this application.

Dennis Fitzpatrick, the planning commission cannot hear due to feedback issues.

Mary Skarnulis of Torch Lake Drive said there is no way the developer can go back and undo what damage he has done. This application needs to be stopped here and now.

Pat Skarnulis of Torch Lake Drive said he has been taken aback by the developer and his lack of respect for the area and the people.

Linda Spevacek discussed the site plan and the Antrim County requirements, not the Milton Township requirements. Look at the plan and you'll see it does not meet your ordinance requirements.

Timothy Smith of Chippewa Trail said this application should be denied. He discussed the Master Plan reasoning. He suggested a moratorium on RV parks for six months. The planning commission should determine if RV parks in the Village zone should be permitted. Obtain community input. Then, revise the ordinance.

Steve Moster does land development of national parks and he has seen impact from unprofessional land developers. Torch Lake is a treasure and it should be protected and this application denied.

Irene and Steve Quick of Torch River Road are against this application.

Dennis Fitzpatrick said this project does not conform to the zoning ordinance. He read from the introduction of the Master Plan. This proposed park does not comply with that.

Patty Lang of Torch River Road said to deny the application.

Kelly Pummill said to deny the application and she is concerned about traffic.

Zoom Public comment closed at 7:14pm.

Approval of Agenda:

- A. Closed Session as permitted under Section 8(e) of the Open Meetings Act.
- B. Continuation of SUP 2021-01 Torch River RV Park.

**Motion** by Renis to approve the agenda. Seconded by Warner. **Motion carried.**

A. Closed Session as permitted under Section 8(e) of the Open Meetings Act:

**Motion** by Ford to go into closed session. Seconded by Cole.

Roll Call Vote: Warner; Yes | Ford; Yes | Cole; Yes | Merillat; Yes | Renis; Yes | Peters; Yes | Hefferan; Yes. **Motion carried** 7-0.

Closed session started at 7:16pm.

**Motion** by Warner to come out of closed session. Seconded by Renis.

Roll Call Vote: Ford; Yes | Cole; Yes | Merillat; Yes | Renis; Yes | Peters; Yes | Warner; Yes | Hefferan; Yes. **Motion carried 7-0.**

Closed session ended at 7:58pm.

B. Continuation of SUP 2021-01 Torch River RV Park:

Hefferan discussed the purpose of the meeting. The record for public comment was closed on January 3, 2022 and now we may begin deliberations. Hefferan suggested we could start with questions for the applicant and ZA Kopriva.

Peters asked the applicant how you are addressing the concern about storm water run-off. Carrie May responded that there is a paragraph in the RV park ordinance that it must be retained on site. We have asked twice what is meant by that. It is very vague. Should it be retained in a basin? What about water generated from the use? Because it is vague, it is not applicable until you get a better definition. We were told Milton is not an enforcing agency and they do not intend to override Antrim County. Milton told us that it would be according to Antrim design requirements. This has been reviewed by Bar and they have said we met those requirements. When you are talking about storm water, sometimes retention is not the best thing. If you design a basin, it has a permanent pool. If you have back to back storms or a really large storm, the basin is full when the second storm hits and it overflows. There is a memo from ECT about retaining from the 100 year storm. That is not correct. They do have a requirement from 25 years, but you have to pass 100 year storm over your flood way. What they are referring to is not a requirement. We have been conservative on the stabilization on Miller Road. There is a ditch system that goes to Mr. Root's house. We have been trying stabilization to provide an overly conservative solution to send as little down that system as possible. Even though historic flows are allowed to go down there, we have designed it to a point if there is a 100 year storm, the flow going in would go in less than a 25 year storm.

Warner asked regarding the screening to be done long River Road. May provided photos and showed areas that were not disturbed. There have been two stabilization efforts and that would take it up to 53% disturbed and 47% is undisturbed. We have all these wooded areas and to go in the woodlands and put this funny hedge through there would not look natural. But the woods looks natural. She showed more pictures. There are only a couple spots where you can see the lake. We have proposed green belts and it doubles up here where the fire access road is. There was some comment about it being in the right away. They can be moved off a bit. There was some question about the greenbelt by Mr. Roote's property. Mr. Brewer can extend this and put a six foot privacy fence there and whatever the planning commission wants, we would be happy to do. Do you want the letter of the law or perhaps something better than that? Warner said 100% screening is required, it looks like it was not addressed. May said there is a wide swath of undisturbed hillside, the previous subcommittee said that was better than putting in a hedge. We could supplement somewhere if we were not meeting the ordinance. If you know what you want, we are willing to provide it.

Ford said his concern is about the watershed and potential contamination of the wells and lakes. If you go forward with this, what do we do if there is contamination? What are the potential

remedies? May said there is monitoring by the state and county for the septic and well. If there is a problem, it is a violation of our permit and they would shut us down. Erick Garbough of Gourdie Fraser spoke about the waste water treatment. Flows are recorded daily and those are reported to the state. The design is 1.5x the state requirements and we have made it so those contaminants do not leave the property. Ford asked about neighbor's property. We would need to see where the contamination was coming from. We are designed to the state standards and above. Ford said that is to assure me that what is on your property stays on your property. We have 14 feet of soil before it gets to the water table. It is also evenly distributed. The standard is 4 feet minimum and we are at 14 feet. That is the distance from the stone to the ground water elevation.

Merillat said he had a question about storm water calculations. The storm water design for the site incorporates the stabilization project. The final project is designed based on the RV Park proposed design. What was the starting point? Before you explained you were trying to retain the additional water. May said when you design for storm water, you are trying to mitigate any water from the development. You calculate the runoff from the site if it was never touched and you compare that to the developed site and model that. When you do that for the 25 year storm, the increase in volume difference is the minimum requirement. Merillat said how do you know what it was before? May said a model is not an exact measure. It is based on probability and cover and slopes. You know enough from existing topography from this site in relation to this plan and the two are factored on the two conditions.

Hefferan asked Rebecca Milliken about this parcel as related to a larger parcel. The Brewers purchased the 17 acres and the remaining is held by the land conservancy. If zoning is all about balance, some property goes into economic development and some goes into conservation and we are trying to balance the interests of our community. 290 acres will never be developed. A smaller parcel was sold to private owners. Milliken said she has studied the ordinance and she does not see the word balance there. It was zoned Village and right around the time of the purchase, Peal pleaded his case to add RV parks to the Village district. He had an unopposed shot at getting his ideal ordinance passed and he was largely successful in that effort. The minutes are stunningly brief. They knew what they were getting themselves into when they bought this property. To the issue of balance, I appreciate that, but it is not in the ordinance and you must apply the ordinance.

Don Passenger was asked by Hefferan to explain why he thinks 117.2111 is not applicable. Passenger read 117.2111, it says that if a site plan first must be approved. In this case were are under 117.1605 and in fact the special land uses procedures in 117.1601.B.2, when you file a SUP you have to file a site plan. In this case, they talked at length with Mr. Weinzapfel and standard practice was to allow work on clearing the site before considering the site plan. When you look at 117.1601, it is not what is required. The ordinance was passed and then they sought out this property.

Hefferan said the word clearing was mentioned. 117.1602.G states the proposed use shall ensure the environment shall be preserved. Blodgett said the response has a few parts. We need to remember that only five acres was cleared of a 14 acre parcel. When you look at this, for all of the green area, it was preserved in so far as practical. We have to turn over to 117.1605 and my point is this planning commission put together 117.1605 and revised it in June 2019. I go back to "in so far as practical." That is in an area that will allow up to 80 sites. You cannot say you can

never cut a tree. You have to read into the phrase "in so far as practical." That is the balance that is going on here. I do think part of this goes back to what the prior zoning administrator said to do. We had his blessing to do this. We do have a lot of acres that are preserved already. You have locked in four acres to this project that are undeveloped and they cannot be developed. You have preserved a lot of acres in so far as what is practical.

Hefferan asked May when she was hired by the applicant. She believes it was February 2, 2020. What did the site look like when you were hired? May said the site had been disturbed. I called Mr. Weinzapfel and asked about this project and asked about the permit process. He told me all they needed was a soil erosion permit and they had it. It does not change that going forward from that point, the state does not allow you to do anything until you have your permit to construct a campground. He was able to continue working on the soil erosion work and he was trying to do temporary storm water control. To be honest I did not spend time monitoring what he was doing. I took my answer from Weinzapfel and was focused on design at that point. Hefferan asked if it was unusual that you were not involved from the inception. May said we were called when we were called. All I can do is follow directions. Every township operates differently. I was not surprised at what Weinzapfel said. It is not unusual. Peters asked if there was a site plan when you were contracted. There was a rough site plan that was prepared with Neil Way. It was dimensional. It was not stamped or sealed. Brewer said it was just conceptual. Then we hired Gourdie Frasier and we stopped all work. We hired them to build a campground that meets or exceeds all requirements from all governing bodies.

Renis asked why 70 sites was chosen. Brewer said our original site plan was at a different elevation. When we came back with the second site plan, we kept the level about the same as it had been graded, but since it is higher, we lost area. We have to have 2600ft<sup>2</sup> per site. We are trying to minimize the impact and it is just a math thing. 80 was allowed and 50 was not economic. Blodgett said we had the 80 which is allowed at the last go around, we heard there were too many sites by John Iacoangeli and this is why it was reduced.

Warner asked why the work was stopped. Brewer said what was talked about was we could clear trees and move dirt but we had to stop once we started the SUP. Then, the rains came and we had to do remediation. We were ready to stabilize by the end of June but we were not allowed by the county and by the township. Warner asked if there were approved plans at that time. Brewer said no, we had the permits Weinzapfel said we needed. Once we got into doing an RV park, work stopped in fall 2019 and we started a site plan. Warner asked if there was depth excavation at that time. Brewer said no. We cut trees and pulled stumps and moved dirt to figure out how to get enough sites to be economical. We got there in 2019 and we figured we could make it work and all work stopped and we did nothing more except trying to get the SUP and restoration. Then COVID hit. That July's public hearing that got shut down due to darkness and mosquitoes and did not reconvene until six months later. Elevation had been changed initially and would have been lowered more to get 80 sites, but it was decided to proceed with the current elevation in this SUP request for 70 sites.

Merillat asked about parking. When do two half spaces become one parking spot? May said the state requires 1.5 times the number of sites. We have room for two on each site. To minimize the disruption of the land, we decided do 1.5 in gravel and half in grass. Then they could have their vehicle or golf cart. We show two full spaces per site and we can gravel those and it would not change the storm water calculations.

May spoke about the 20 feet that is required between trailers. Consideration was given with 26 feet between RVs due to slide outs. The only one that would not have 26 feet is the first one. Cole asked about awnings. May said the awning may be over a parking spot. A lessee would have to take that into consideration when selecting a lot. There is plenty of room for two full parking spaces. Cole is concerned with the space between one person's slide out and the other person's awning. May said we have 26 feet between RVs and may need to look at the awnings. Cole is looking at side yard setbacks for a home. Their overhangs are included. May said the best way to address that is that every site needs 20 feet from everything that sticks out from the RV. The design would allow that and some flexibility between the sites would be a good thing. Regulation wise that could be a condition in the rules. Cole said he is concerned with individual sites and having them encroach on another. We have been very strict on the setbacks due to safety issues. The difficulty in accounting for the awning is that there is not a standard size. Cole said 8 feet should be reasonable. May said that would put us 34 feet between actual trailers. May said this is designed to meet NFPA and they require 4 feet clear around any trailer and 20 feet between the RV pads. The intent originally was to meet up with those codes, even if everything is popped out. Blodgett said in 117.1605.D there shall be 20 feet between each RV and we need to use the RV definition in 117.218 and it does not include pop outs and awnings. We have to go by what is in the ordinance. Warner said in looking at this drawing to scale it shows 20 feet minimum but the parking area shown to scale is only 15 feet. May replied that there is one 10'x20' and two 10'x10's adjacent to each other. Warner and May discussed the drawing. The average truck is 22'-24' in length. The standard parking size in the ordinance is 10'x20'. Warner said in that case, we are looking at encroachment in the pathway for fire and rescue. The wheelbase may be smaller. What is the road width? 20 feet.

Renis asked about park models and which spots are designated for those. May said there are bigger sites for that. Are there 16? They are required to be 2600ft<sup>2</sup>. Renis said the park models may have a larger wheel base. They have to have a road standard wheel base. Park models have a square foot requirement. Renis said as long as it is under 400ft<sup>2</sup>. There could be a loft space and it does not have to be a standard width. May said it has to move down the road and it is not a wide load. You have got the larger spots up front for bigger trailers, but not 16. So they would be going up the hill. May addressed which spots they could go on. We are allowed 16, but we may have less.

Peters asked why the Antrim County soil erosion permit was rescinded. Passenger said the only permit rescinded was a chicken and egg thing. It was for the original build. It will be reissued pending your decision. Stabilization permits were never rescinded.

Cole asked about outdoor storage and leaving units in place. Cole read from the ordinance. The request to store the campers onsite in the off season, along with boats would be considered outdoor storage and that would not be allowed in the Village zone. I would like a response to why they would want to do that when it is not allowed. Blodgett said we need to go to the definition 117.215 O, I disagree with the ZA's response. This is not merchandise or equipment. We are storing an RV. 117.1605.L said all utilities would be disconnected and that implies that RVs can be left there. Originally there was a desire by the applicant to leave boats and that is not on the table. The request is if a user re-ups their lease and pays for the next year, can that user leave their RV disconnected on the site. Cole said he agrees that it is not merchandise or materials, but it is a piece of recreational equipment.

Hefferan turned to Kopriva to discuss her staff report. She requested a five minute break.

Hefferan called the planning commission back to session at 9:30pm.

Kopriva walked through her staff report dated January 18, 2022 page by page. If you have questions, stop me and we will talk about it.

Keeping in mind, the beginning is based on the application and the findings of fact are draft. The planning commission needs to ask questions and there may be findings that we need to modify and change. I may have a different interpretation than the planning commission.

Pages 1-4 are self-explanatory. She discussed the parcels involved in the application. Then we have a list of plans and dates submitted. This is to build the record and to make sure we all know what we are discussing for approval or denial.

Page 7, section III, Zoning Ordinance Review. This is based on what the ordinance required for the village district. May clarified earlier in the day that Maximum Lot Coverage should be 3% as designed not 40% as indicated. It was an error by Kopriva. Light standards need to meet the ordinance. It was provided. The two parking items shown as not provided I showed as provided in past reports but upon further thought the parking, as designed with a half space, would not be defined as a parking space per the ordinance. They must be 200ft<sup>2</sup> and gravel, asphalt or cement. The 100ft<sup>2</sup> of grass is not acceptable. The applicant said they would change that to gravel and then it would meet the ordinance. This is one of those things where I prefer it to be grass, but we have to do what the ordinance says. They could put a parking lot somewhere else, but based on the discussion, they would prefer to add gravel to the half spaces of grass.

Page 8, section III, Zoning Ordinance Review. We are talking about greenbelts and landscaping. The ordinance talks about buffering and there must be a 10ft wide strip. Kopriva read from the ordinance requirements 117.311. Item C talks about waiving the requirement. I wrote that the existing vegetation meets the greenbelt requirement. You may feel that, on the north and south property lines, there should be something additional there.

Hefferan said the additional vegetation that we are using is on Mr. Roote's property for the greenbelt. Is that true? Kopriva said there are more trees on his side of the line. You would need to decide if it is a combination of both. Perhaps you need more canopy trees and some shrubs. The applicant has said they will put up a fence or a hedge.

Hefferan said he would like it to comply with the ordinance. Cole said we need to hold to that condition of a green belt which ensures an adequate buffer based on comments received from the public. From what I have seen, there are areas where the only buffer is the diameter of a tree. Warner asked if they were aware of the zoning requirements before making these adjustments to the land? Yes. It was in effect. Kopriva said section 117.311 is not specific to the RV Park. This applies to everyone doing a commercial development. Warner said the land was cleared to the property line adjacent to Mr. Roote. There was not a consideration of the clearing in accordance with the zoning to maintain the natural green zone between property lines. Looking at lot 37, it looks to be only 5-6 feet of the property line. Kopriva examined the map and they reviewed the 10 foot set back line. Kopriva said she cannot speak to why they did what they did. On the south



line, there may be additional work to be done there. Ford asked if there is any way to know if there was vegetation there prior to the clearing. Kopriva said she would have to check on the aerial from Antrim County. Hefferan said in the interest of time, we should set this aside and we can revisit. The planning commission can also require more buffering.

Page 8, IV Special Use. This is what is required to turn in by the applicant.

Page 9, V Site Plan Review. We get into the site plan requirements. Does anyone feel that these items on pages 9, 10 or 11 were missing or needed more info? No.

Page 11, interpretations made by the Planner/Zoning Administrator regarding items in the application. This is the discussion on park models and additional storage. DEQ decided park models were allowed and so I would say they are designed to be temporary living quarters for recreational use. Hefferan said he supports that park models cannot be excluded based on the state's definition. Renis said they will not allow anything over 15 years and that should also include park models. This is in the park rules.

Kopriva said park models could not be stored on the property over the winter. We do not allow outdoor storage in the village district. It is listed as a use, but not in the Village zone. I find they are a commercial entity but at the end of the definition, it is everything else. People that are in the AG zone may have things that would sit outside, you could argue an RV or camper is similar to an AG operation, but the definition of an RV does not say one way or another. I would disagree with Blodgett's definition.

Page 12, VI Standards of Approval. When we closed the record, you directed me to complete the finding of fact. If any standards are not met, you have to deny.

If you think of anything else, please let me know and we can add that in to the finding.

These are 17.2105 Site Plan Review Standards. We are approving the site plan along with the SUP.

Section A talks about roads but the parking spaces were not met. They did say they would gravel the spaces and then that would change that to "satisfied" unless we have additional comments. Hefferan said this seems like a simple fix.

Possible Condition: Site plan would be updated to show gravel on the half grass sites.

Section B talks about natural features and preserving the natural features. This is not satisfied since the property has been cleared of many trees. The clearing removed the buffer and changed the neighborhood. This is something that May mentioned and finding it difficult to do native species to grow five feet in one growing season. They mentioned 50% of the property was cleared and it has not all been cleared.

Commission members had no changes to this section.

Section C is satisfied. They are interior to the property and approved by the road commission.

Hefferan clarified that sections B and C are reversed in Kopriva's report.

Section D deals with adverse effects. I said this is not satisfied because there is not screening to the properties to the north and south and there was talk about differences in heights and the impact that may have. When you are at the top of the hill you cannot see Torch Lake. We can come back to this.

Board members agreed to come back to this discussion.

Section E is not satisfied because you have seen previous items not satisfied. No variances were requested.

Commission members agreed.

Section F talks about emergency vehicles. This is satisfied.

117.1605 Special Use Standards, specific to RV Seasonal Park, starting on page 13.

Kopriva discussed the specifics of the requirements a, b, c, which are all provided. Item d is space between sites and is partially provided. Cole said if there is 26 feet. That should cover it. Merillat said that would be 12 feet between. The intent was to match to the ordinance between structures. We were trying to take awnings and anything attached. This was the first time I have heard any other interpretation of that. Kopriva said everything has to be 20 feet from the neighbor including awnings and slide outs based on the discussion.

Items e, f, g, h, i are satisfied. If they start having more people on a site, that is an enforcement issue.

Item k is where 20% of the acreage should be common area. This is partially provided on the site plan. They do have common facilities. May said we have pavilions and those should be included. Merillat said he cannot tell if they meet the requirement for common area. There has to be a common area two acres in size that is usable. He cannot tell with the topography. Hefferan said he does not have a problem with it. Kopriva asked if there should be one area that is usable, not small spots split up. Ford said 20% has to be common area. The intent is to have 20% of the park be common area. Merillat said the open space takes care of that. Cole said he is not sure we should describe what recreational activities would take place, but we should ask that the area be usable. Hefferan asked to revisit this issue in the interest of time.

Items l, m, n are satisfied as they do have the necessary permits.

Item o is regarding storm water and it was provided. We had a lot of questions about it. It shall be retained and anything additional should be kept on your property. The planning commission may say otherwise. The planning commission agreed it was provided.

Item p is in the park rules.

Item q we can come back to the boundary line and discuss whether or not that has been met as it relates to Screening on page 15.

17.1602 Special Land Use Review Standards:

On page 16, Section a, is not satisfied because the proposed use is inconsistent with the Master Plan. When reading through the Master Plan, I was looking at the goals and objectives in that plan. Hefferan said he voted to add RV seasonal parks to the ordinance back in 2017. The basis for that was on the economics. I appreciate what you are saying here, regarding environment, but there was compliance in concept with the RV seasonal park in the village zone. That is supported in the Master Plan. Kopriva said when you added it in, you choose for it to be a special use because it may not be compatible everywhere in that zoning district. Then, when you get to a specific application, every site may not be compatible. Hefferan said it is not disingenuous of me to say Seasonal RV Park conceptually meets our Master Plan. Fast forward five years and now we have a specific application, this application does not meet the Master Plan. Merrillat said we have two Village zones. Something that may be appropriate in Kewadin may not work in Torch Lake Village and vice versa. Kopriva said you are here to look at this application.

On page 17, Section b, regarding changing the existing character of the area, I suggest this is not satisfied. We have seen what the site looks like and there has been discussion of what its natural state is. You have seen the disturbances of the soils and not having harmony with the neighborhood. The applicant did not build into the natural landscape and instead changed the property to fit what they wanted to do. The site was graded to deal with the watershed on the site. May previously mentioned the moving of the top of the hill was related to remediation and stabilization of the site, but from my perspective, it could have been designed to keep the character of the area and site. Hefferan said we decided to put RV parks in the Village zone. We put them there because we were worried about putting them out in the AG zone because we wanted to preserve farm land. The use of an RV park is consistent with a Village zone. That is where other businesses are. Kopriva said when you read through the Master Plan, we are trying to preserve farming. I do not think that this application is supported by the Master Plan. Renis said he understands the discussion. Their goal was to adjust the topography to the number of sites.

Section c, page 18: Satisfied; the applicant has limited campfires to the pavilion and that eliminates smoke concerns and they are providing quiet hours and providing screening from the road.

Section d, page 18: Satisfied; they will be served by public services and we have gotten reviews and/or approvals from many agencies for those items and they are providing dumpsters. It is not anticipated to impact schools because of the seasonal nature of the business.

Section e, page 18. Satisfied; it was reviewed by both the Fire Department and Sheriff. Water and sewer are private systems maintained by the applicant.

Section f, page 18. Satisfied; the use is allowed in the Village zone and a previous traffic study shows no excess traffic produced. Merrillat asked about dust control. Kopriva said she does not remember. Merrillat said we have required this in the past because of gravel roads. If we were to get to conditions for approval, we could add dust control. Cole said he would question what we would be requesting in the way of dust control. They would need to show us dust control measures. Peters said they likely will not have dust due to the type of gravel they will use.

Section g, page 19: This is in regard to preserving the site in its natural state. This is not satisfied. The applicant has not provided a replanting plan for the removed vegetation internal to the site. The disturbances to the site created multiple issues. They did not build into the natural environment and they changed the site to meet their needs.

Section h, page 19: Not satisfied. There are other standards that are not satisfied.

These are the findings and standards.

Going back to discuss the previous issues of the buffering language in 117.311, section B, page 8 of the staff report. Would you like something additional? Renis said we are talking about greenbelts on the north and south sides. We have to have a plan that takes into account the drop in grade because the site is lower than the surroundings. This occurs on the south side as well. Warner said on sites 69 and 70, the cut away that has been done from the existing hill behind it, how will that be stabilized? Water will run off over time and I do not believe that was addressed. Hefferan read 117.311. He asked if their plan would comply with the greenbelt and they said it would. Kopriva said you can give a waiver otherwise you have to meet the requirements. Hefferan said you have to comply with the ordinance. Merillat said all developments fall under 117.311, but in this case in 117.1605, we have a specific item that says you must have screening on the park boundaries lines. Kopriva asked Merillat if the park boundaries must comply with 117.311.B. Merillat said yes. We put that in because we were concerned about it. I would agree with Hefferan that it needs to meet the ordinance. Cole said since there are no waivers, you must comply. Cole asked if there are places that, because of the slope, a greenbelt at the top would be more effective. Ford said on Miller Road that would be correct. Hefferan asked Kopriva if the commission concurs with your findings of 117.1602 A, B, G indicating these are not satisfied, does the greenbelt become a moot point? Yes and no. Kopriva said you still have to deal with the site plan standards. Hefferan said we have already talked about 117.2105.C is not satisfied. Does it not then make another clause that we are struggling with irrelevant? Vermitten said you have to look at the whole application and its position within the zoning ordinance and come up with the commission's position. Kopriva said there is no waiver available. A majority of the commission agrees this item is not met.

Site Plan Standards: D page 13. Right now you are saying the greenbelt has not been met or provided. Are you good with saying this is not satisfied. A majority of the commission agreed.

Section 117.1605.q: Page 15, of the staff report discussing screening and buffering, this item should say "not provided" per 117.311. Cole discussed his interpretation of this. It is either partially provided as 50% by the access, but the remainder does not have what is needed. Everyone agrees that north and south need to be screened 100% but what about east and west? The west side should be 100%. The east side has some landscaping by the entry and they are utilizing existing screening. Ford feels north and south and Miller road should be 100%. The first sentence is provided, and the second is not, so it is partially provided

Section 117.1605.k: Page 14, of the staff report discussing common area and should it be all together. Is this provided, partially provided or not provided? Ford said as long as 20% is common area, it does not have to be contiguous. Renis agreed with Ford. Cole said this negates the purpose of common area. It has to be viable and usable common area. You could have more than one area. Warner said the area could be used by all members of the park. The pavilion areas

would be common areas and we have said it needs to be 20%. Would wooded areas be common areas as well? Common area can include showers and bathrooms, if you read k. Do they make up 20%? I am not sure they do. Would you consider the slopes? Kopriva said we do not have a definition for common area in the ordinance. Cole said his concern is the steepness of the slopes and is not sure some of it is usable. Peters said some of the areas that are steep are considered common area. Warner said looking at the topography, he is not sure if it meets the 20%. Cole asked if the slope negates the common area. Kopriva said based on the plan, in the top right corner, C1, it talks about the calculation. They are saying it is about 40% open but that includes the wooded slopes. Does it need to be contiguous to be considered common space? Warner said in the elevation drawing, the dog park is in a hole and you have got 4 foot retaining walls stepping up the hill to the terrace gardens. I am wondering how that is accessible. Peters explained how he believes this could be usable. We have three commissioners saying it is not contiguous and potentially not accessible due to steep slopes. Warner said some of it is unusable steep slopes unless he can get a better visual. Kopriva said it is not provided because it is not contiguous, not usable and there are steep slopes and the accessibility is limited. Four commission members agreed.

Kopriva said the commission has two options at this point.

1. She can clean up the staff report and findings of fact and come back to another meeting to decide or;
2. We can decide now.

Cole said there is not a whole lot that needs to change.

**Motion** by Warner...

Hefferan asked Warner to clarify the motion.

**Motion** by Warner to deny the permit at this time according to the findings before us in meeting the zoning requirements. No second.

Hefferan asked Warner to be more specific.

**Motion** by Warner to adopt the proposed findings as corrected and to deny the permit application at this time. No second.

Hefferan asked Warner to be clarify the motion.

**Motion** by Warner to adopt the findings of fact as discussed tonight and deny the application of a special use permit by James Brewer for a 70 unit park parcel numbers 05-12-006-047-00 and 05-12-101-020-10 as the application does not meet the requirements of the Milton Township zoning ordinance. Seconded by Cole.

Merillat offered a **friendly amendment** to replace “the application of a” with “Special Use Permit 2021-01.” Warner and Cole agreed to the amendment. Without objection the motion was amended to be: to adopt the findings of fact as discussed tonight and deny Special Use Permit 2021-01 by James Brewer for a 70 unit park, parcel numbers 05-12-006-047-00 and 05-12-101-020-10, as the application does not meet the requirements of the Milton Township zoning ordinance.

Discussion: Hefferan said decisions are not popularity contests but must meet the standards of the zoning ordinance. I voted in favor of adding seasonal RV parks to the ordinance. I still think that was the correct vote at the time.

Roll Call: Ford: Yes | Cole: Yes | Renis: Yes | Merillat: Yes | Peters: Yes | Warner: Yes | Hefferan: Yes.

**Motion carried 7-0.**

Meeting adjourned by order of the chair at 11:17 pm.

Respectfully submitted,

Joseph Merillat