

Milton Township  
Planning Commission  
Unapproved Meeting Minutes  
April 21, 2022

Members present: Hefferan, Warner, Renis, Ford, and Merillat.

Members absent: Cole and Peters.

Also present: Chris Grobbel, Peterson, Kopriva via Zoom and five audience members.

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

Public Comment:

Gary Doty of Fairmont Drive thanked the commission regarding the work and the public hearing on the RV Park today.

Mac Whitehouse of Chippewa Trail thanked the commission for the January public hearing for the RV Park. He appreciated the finding of fact and the denial of the RV Park. Thanks for the hard work on behalf of the township.

Sharon Hill of Torch River Road said there has been a lot of learning and reflection. We have all learned and as we see other projects that impact our wetlands, that before a project starts, that is when we should be having discussions. There are seven lots across the street from the RV Park that are now being developed. I ask for careful oversight on that project since it is a significant environmental concern.

Chris Grobbel of Grobbel Environmental & Planning Associates commented that as you look at the zoning amendment, there was some controversy about the RV Park. It is an opportunity to learn lessons. The amendment was brought forth to start a conversation with regard to that land use and ask does it fit in the village district. It should be in AG or AR. Most of your neighboring townships do not allow it anywhere and those that do allow it by special use. We put together an application for a zoning amendment using 117.2500. A private party really has to come to you with legislative language. I am here to answer any questions. Think about having a steep slopes restrictions in the RV park ordinance. There should not be any clearing until all permits are received. Nothing should come to the planning commission until the staff determines it is complete and all permits are in hand or are coming.

Approval of Agenda:

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

Approval of minutes dated March 17, 2022:

**Motion** by Renis to approve the minutes dated March 17, 2022 as presented. Seconded by Ford. **Motion carried.**

Old Business:

A. Bylaw Review:

Kopriva has provided proposed changes. These were discussed at last month's meeting.

**Motion** by Renis to adopt the draft of the bylaws dated April 14, 2022. Seconded by Merillat.  
**Motion carried.**

B. Master Plan Survey:

Kopriva said after feedback from the last meeting, some questions were clarified and some were expanded. Question 11 is new. We are hoping this will work better. There are also questions about noise and law enforcement. These questions may help with that conversation. Warner said he thinks it would be good to ask about noise in the survey. Ford asked about the questions regarding how long people have lived here and those who are transitional residents. Kopriva suggested ways to reword the question. Ford asked if we want to add a few questions about short term rentals. Kopriva agreed. Renis agreed that while we do have an ordinance on short term rentals, it would be good to ask these questions. Warner said a few years ago, there were discussions about dark skies and downward lighting and could we have some questions about dark skies and see what the feelings are there. Kopriva reviewed the new questions and revised questions. Renis asked if there should be some questions relating to road ends. Next steps is Kopriva will talk with Atkinson regarding how we will notify residents about the survey and make the updates and then we will figure out how to get it out. We will have another meeting to review changes in May.

New Business:

A. Public Hearing: ZO 2022-01: Zoning Ordinance Amendments to ZBA Membership and Escrow Policy.

Hefferan opened the public hearing. Hefferan discussed the history and specifics of the amendments and reviewed the public comment policy.

Conflict of Interest: None declared.

This public hearing was advertised March 31, 2022 in the Elk Rapids News.

Questions from the Public:

Hill asked if you have to be a resident to serve as an alternate for the ZBA. Kopriva said yes.

Whitehouse said there is a lot to have been learned in the past, but it seems strange that there was not some escrow account being used for the RV Park and he supports this amendment.

Correspondence: None.

Public hearing closed and deliberations began.

Renis asked regarding keeping a time frame for a decision notification to the applicant. Kopriva said it is open ended. I do not want to leave a burden on the township. They are verbally notified

at the meeting. If you want to put something in we could put a timeframe in there, but we are required to send notice of the decision by state law.

**Motion** by Merillat to recommend approval of ZO 2022-01 to the township board as published in the draft dated 04-14-2022. Seconded by Renis.

Roll Call:

Merillat: Yes, it cleans up some of the ordinance ambiguities.

Renis: Yes. It makes it more usable.

Ford: Yes. It cleans and makes it more usable.

Warner: Yes. It clarifies the subject.

Hefferan: Yes. It clarifies and simplifies and it is recommended by our staff.

**Motion carried 5-0.**

B. ZO 2022-02: Zoning Ordinance Amendment on RV Parks:

Hefferan reviewed the history of the ordinance amendment.

Dr. Chris Grobbel gave a presentation regarding the ordinance amendment. The goal is to eliminate the use in the village zone. This fits with the type of use and the density. Seasonal parks should be limited in V and redirected toward AG. There is also a precedent for camps to be in AG. In terms of future land use planning, we have to wrestle with where our use is appropriate and the density. A special use is a high impact use otherwise it is a permitted use. The most elegant thing to do would be to put this use in a more appropriate district.

Hefferan asked if Grobbel was involved in the creation of the master plan. Yes. Seasonal Camp referred to Camp Maplehurst. Is the reason this is there because we did not want to make it non-conforming. Yes. We believe so.

Hefferan asked Grobbel about the farmland. In 2017 when seasonal RV parks were added to the ordinance, the vote at that point noted it should be a special use due to the density in the village zone. It was also discussed that this would enhance the economy and development in the village zone. We were trying to keep something like this from the AG zone. Grobbel said you are the only community that does that. I have never see that kind of a use in a village district. The density issue cuts both ways. You want to have enough room to put this in so it does not affect the neighbors.

Grobbel said in neighboring townships campgrounds are allowed as a special use. He discussed the specifics. The location of the use and where it best fits and where would you have enough room. The other important thing is you are required to draw the connection to how you got to RV parks in your master plan. I suggest this is a difficult lift to put that in the village zone. Renis asked when you went through these other townships, what about other existing RV parks. Grobbel said he only reviewed the ordinances, not what is there currently.

Warner said what we are looking at is if we want to allow RV parks, which I think we should. This is not an application to delete RV Parks from our ordinance, just to move it to AG and AR. Warner said we have set a limit of at least three but no more than ten acres. You would most likely need ten to make it financially viable and meet our other requirements.

Grobbel said the next sections are recitations of your master plan and that would support the zoning amendment. The details on page 13 is the draft amendment language. Grobbel discussed the table. He would like to suggest that you have language where an environmental committee be set up. When an RV park is proposed, you may want to bring it before an environmental committee since the use should be harmonious with the neighboring areas. There should be changes in the special use language that 25% be common area and we bolster it by saying it would be recreational.

Hefferan asked for clarification regarding the provided materials since they do not quite match up with the letters/numbers we have. Certain numbers do not correspond correctly as there were some typos.

Grobbel said it should be engineered to a hundred year storm and the park boundary line be a 50% screening visually and for noise. Vegetation can be an effective visual screen but it does not do anything for noise. Earthen berms or distance work for those issues. Discussion of the nuisance clause and going forward, this was drawing language what you currently have in seasonal camps and asking you to provide it for RV parks.

Hefferan said he appreciates that back in 2017 we were focused on the economy for the justification for including this in the V zone. Merillat said we limited the acreage because it was in the V zone. If we put it in the AG zone, we could have a much larger space. Warner said he feels it is important having lived here so long to not see the degrading of the area. The animals, fish and water quality have degraded. In constructing our zoning ordinances we need to consider, as people move to this area, that we are a retirement community. Looking at how to allow development and affordable housing in a way that will preserve green space and protect waterways is something we have got to start talking about.

Kopriva said this is the first time the commission is looking at this amendment. I would like to know if you are interested in making changes or not interested in this ordinance at all. As far as RV parks, there is not a right or wrong answer. RV parks and campgrounds are difficult in both the AG and Village. While there are larger properties in AG, it puts more density and issues where there are none now. It could have just as large of an impact in AG. It should be supported by the master plan. The commission should be cautioned on not being too focused on any one issue. When you are making changes to the amendment, think broadly and all applications. You can accept the application as is or deny it and it still goes to the township board. Or, you can work with the language presented and modify it to fit better. At the same time, if you need more information, you can direct the applicant to get additional information.

Hefferan said there are a lot of persuasive arguments in this document. There was no feedback in 2017. It is an interesting proposal. Hefferan said he is really worried about doing anything with our ordinance with pending litigation in regards to decisions we have made recently.

Grobbel said the review by the court is with your current ordinance. Another tool would be a moratorium. To say you cannot work on zoning because of pending litigation, there is no connection there. You made a decision. You are done.

Hefferan said he would like to also hear this from Derman or Vermetten. Renis said what gets him about this is the RV park proposal was done so poorly it gave RV parks a bad name and it has tainted everything. It is recreation. If you look at the Torch RV Park, it is the only park on Torch. Can we limit the size in the village? I think there can be some modifications and you have a situation now, there are no rentals and no houses for sale and they do not have a place to put a camper. I would like to see other options in other zones and to still allow the opportunity.

Merillat asked if RV parks are more lucrative than raising cherries. We have a lot of AG land in the township that could be used. Warner said there should be some kind of availability.

Grobbel said he has visited some places in this region. Campgrounds are not RV parks. The two uses should not be interchangeable. The margin on these is thin. No one is getting rich putting in RV parks.

Hefferan said what he is hearing here is the commission is open to continuing to discuss this issue. Merillat said the planning commission is not responsible to make sure something is economical. That is up to the applicant. At the same time you do not want to make it too small.

Hefferan asked Kopriva to please get an opinion from Vermetten regarding changing our ordinance while there is pending litigation.

Hefferan said if Vermetten says it is okay, where do we go from here? Then, the commission could request info from Kopriva and/or from the applicant.

Merillat said he would like clarification. We are required to go to public hearing? How can we modify it if the applicant does not agree? Kopriva said if it gets to a point where you are not agreeing on something with the language, you can recommend denial and then move ahead without the applicant.

Hefferan asked if the applicant would fix the typos in the draft language. Next month we will continue discussion on this amendment.

#### Reports:

##### A. Zoning Administration Office Report.

Kopriva said on Monday we had a court hearing with the RV Park for the appeal on the first decision from 2021 and the judge upheld the decision. They have the ability to appeal it further. We do still have the second appeal on the decision from 2022 outstanding.

##### B. Township Board Report.

Julie Brown, superintendent of Elk Rapids Schools gave an update on the bond construction at the township board meeting.

##### C. ZBA Report.

Hefferan said the ZBA will meet next month for a variance for the Torch River Shack.

D. Planning Commission Updates: Steep Slope Committee

Renis said the subcommittee looked through several ordinances and they are working on draft language. They are considering having it as an overlay zone. Merrillat asked if they are considering single family dwellings. Renis said they are looking at that. The minutes for these meetings were taken and will be included in the May packet. Hefferan asked what the master plan says. Our current master plan has some language in chapter 8.

Future Meeting Considerations:

There will be a regular meeting on May 19. Renis will not be at the next meeting.

Adjourn:

Meeting adjourned by order of the chair at 8:58pm

Respectfully submitted,

Joseph Merrillat