

Milton Township
Planning Commission
Unapproved Meeting Minutes
October 20, 2022

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

Also present: Kopriva, Chris Grobbel, and 12 audience members.

Members absent: Noel Peters, excused

Hefferan called the meeting to order at 7:00pm and introduced Jim Standerfer. Standerfer gave an overview of himself to the commission and audience members.

Public Comment:

Sharon Hill of Torch River Road discussed the court order regarding stabilization of the Brewer Property.

Susan Moore of Ringler Road said her concern with the RV Park ordinance is density and traffic on lake access sites. Establish a committee to look at road end rules. It has been getting worse every year at the road end access sites.

Terry Roote of Cherry Ave spoke about his concern regarding the RV Park ordinance and the density of 6 units per acre. He also asked for downward lighting and dark sky protection. In the last meeting, he was unclear about the village property being exempt from the short term rental ordinance. The 14 unit condo development lots could be used as vacation rentals?

Bud Clipus of Skegemog Drive said his awareness has been raised and when we talk about density the issue is proximity to water. Our concern is the septic issues and the water table and how close it was to a very pristine natural resource. Our preference would be proximity to waterfront should be a consideration of any RV park in Milton Township. Parking and safety issues are also concerning. We are also concerned about first responders getting to any incident in this area if the density is high.

Approval of Agenda:

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

Approval of Minutes dated September 15, 2022:

Motion by Ford to approve the minutes dated September 15, 2022 as presented. Seconded by Warner. **Motion carried.**

Correspondence:

Kopriva said all letters were provided in the packet ahead of the meeting.

Old Business:

1. Public Hearing ZO 2022-02 Zoning Ordinance Amendment on RV Parks:

Hefferan discussed the public hearing procedure with the audience. No members declared a conflict of interest. This was advertised in the Record Eagle October 5, 2022 and the ER News October 6, 2022. There is no applicant.

Hefreran said this was brought to us as a request to amend our ordinance. We handed the ball off to Kopriva to start putting drafts together.

Grobber provided comments: Grobber thanked the commission for their diligence and hard work. There are tangential issues that will come up so this discussion has broadened the work. I have 13 communities that I am the planner for and this has been a commendable process. The issue of density has come up and it is the hardest thing we deal with regarding to planning. He explained what density is and what it means. The regional standard is 2.3 units per acre. Milton is at 6 units per acre. Density has come down from 8 to 6, but 4 is even above the norm. In terms of parking, two vehicles per site is plenty but others should be at a common parking area. The noise and visual impacts could be stopped by berms or ceramic structures. Please consider effective screening. The funneling issue is already on your ordinance, but it needs to be clearly tied to these RV park uses. Site clearing should not occur until all permits are in place.

Kopriva provided comments: Kopriva said we have been working on this for a few months. The only change from last month is that we went down to six sites per acre. Is it appropriate to put any density in here? There may be projects where 8 sites per acre makes sense. Other areas could be less. We are struggling with the sizes and the density. Without being too arbitrary in the number you pick, you have to justify the number you choose.

Hefferan said copies of all written correspondence was provided to board members ahead of the meeting for review. We received no letters in support of the ordinance.

Those speaking in support or against the ordinance:

Cheryl Day said it would be beneficial to you when an application comes in you should require an environmental impact study.

Tim Smith of Chippewa Trail thanked the commission. When you make a decision, you should have data to support it. Three is the right number for the density, which has been backed up by Dr. Grobber. What is the difference between six and three? 50% more trees, more effluent, more light pollution and when you make such a decision, it is important to have data to back it up. All the data says 3 is the right number.

Sharon Hill thanked the commission and is supportive of what has been provided. She would like the density to be reassessed. If 6 is the number, the math should be adjusted on the max number of sites. Where there are exclusions, you should include other common space things that should be there. In the site plan section, it talked about the 100 year storm, I wonder if in section O, it should be reference the 100 year storm there as well.

Fred Gulik of East Elk Lake Drive said if you limit the density per acre the person putting it in is

going to want to make a living on the development, when you get the density down, you have eliminated profitability and therefore RV Parks.

Brenda Hasso of Torch River Road said the density of six is an arbitrary number. No one can say how they came up with that. Given the information, the standard for this area is less than 3 which is determined based on the topography of the site. This commission should pay attention to that information that was shared. Parking is also a concern and should be two cars per site and overflow elsewhere.

Gary Doty of Fairmont Drive thanked the commission for their work. He is concerned about the density. Average is 2.6 and this would allow 6 per acre. What is driving this? 3 is more appropriate. Parking is also a concern and should be further clarified. Funneling is also a concern. Noise is also a concern and should be controlled with berms or walls. Lighting must be directed to protect our dark skies.

Mac Whitehouse thanked the commission for their work. This update of our ordinance will serve our township well to avoid self-serving developers. He suggested a few changes including reducing the density to approximately 3 per acre and suggested that the distance between units be considered as well. Dark skies is also a concern as there are no specific restrictions in this ordinance.

Peggy Doty of Fairmont Drive said her neighbor submitted a letter. His concerns are density, parking, funneling, and dark skies.

Public comment closed.

Hefferan discussed the process of deliberations. Our task tonight is to take input from the public. Hefferan asked Kopriva if she is looking for direction from us regarding a final draft. Kopriva agreed. Also, if someone is pleased with this draft, they could make a motion to approve it as is.

Renis said let us start on the density. When talking about what is usable acreage, we have some definitions of it but it did not include everything. How did other townships come up with their density? Kopriva said it is not in other ordinances. Renis said we could take density out and determine it by each request. That would be his recommendation.

Ford said if he understands, it could be site specific regarding the density and then we would work with the applicant to come to a determination. Kopriva said you would look at your general special use standards of 1602.

Warner said we are trying to figure out how many sites may be allowed on the site. In wording it we could use 3 sites per acre as the average or standard, and upon site plan review, more sites could be allowed.

Renis said we debated this before. As soon as we put a number in, the developer will shoot for the number. As long as the standard is not a requirement, you are just making a statement. Renis said we should not put a full allowance in. Hefferan said he is concerned with not having a

number since the commission composition changes. Two years from now the individuals on the commission may change. Hefferan is not sure he agrees with the arbitrary number of 6. It is vacant for half the year. Merillat said it was not completely arbitrary.

Hefferan asked Grobel, if you include Honcho Rest, what is the average? 2.9. If you make it all discretionary, you do not have anything to stand behind. You will always be in a fight unless it is based on data. Hefferan said his concern is that if we limit these so much we are de-facto saying you cannot have an RV park because it becomes unprofitable. Why do we have the max of 10 acres? If we reduce the numbers but take out the max acres. We are still affording someone the opportunity. If we do not have a max number of acres, it could be profitable. The 10 acres is because it is within the village. Hefferan said if we change it to 3, the max is 30 sites in the township. Warner said there could be a piece of property that could accommodate more than 3, but it would be nice to have it up for review. Grobbel said this is predicated on staying in the village zone. That is how we got to 10 acres.

Hefferan said we are spinning our wheels on the density issue. Merillat said he is not in favor of eliminating it. Renis liked Warner's proposal. Merillat said there should be an upper limit to the number. Merillat said he can defend 6 sites per acre. By right you would be allowed 4 or 5 units per acre. This is seasonal. A duplex is there all the time. Merillat asked Grobel how many RV parks are in the village zone. Grobel said many are elsewhere and not in the village zone. Merillat said the three per acre we have decided is in the village zone.

Ford suggested a minimum of three but not more than six sites per acre.

Kopriva said if you want to allow more, you will have to put criteria to do more. Kopriva said you should put a max number, not a minimum number. You are causing your own issue by having it be on 10 acres. No one objected to getting rid of the ten acres. Kopriva suggested leaving it broad and using your special use standards to make decisions. Hefferan said regarding the averages, I thought when we included Honcho Rest it increased the average since that was 8 sites per acre. I do not believe Torch Grove was included in the numbers either. They are at 5.4 per acre. I think I could argue that four per acre is justifiable if we remove the 10 acre minimum. Hefferan is looking for a defensible position and 4 seems to be that in regards to our neighbors. He would like to have a number rather than it being site specific. Ford, Renis and Warner are happy with four sites per acre.

Renis asked to clarify the usable acreage to include some examples or to better define usable acreage. Kopriva said if you want to take out drain fields and retention areas, we would need to put that on the list. Hefferan asked where would it end? Kopriva said you can still use drain fields or retention ponds for open space. Drain fields and retention ponds will be added to the list.

Merillat said in 117.314 our lighting standards cover the RV park. Merillat asked regarding parking, how did we get to two? State law requires 1.5 per unit. We rounded up to 2.

Hefferan closed the public hearing.

Motion by Ford to schedule a public hearing on ZO 2022-02 for November 17, 2022 at 7:00pm
Seconded by Warner. **Motion carried.**

2. SPR 2022-01: Torch River Terrace Site Condo:

Kopriva provided findings of fact in the staff report on page 9 regarding the criteria for review. They have removed the lot that was in the Ag zone.

Rob Lara of Torch River Partners LLC discussed the proposal and gave an overview. We are looking at two different roadways that will access the site. One off Miller Road and one off Torch River Road. We use conservation design standards. We designed this to fit within the site. We tried to limit soil grading and tree removal. We have a lot of green space in here. We tried to protect the remaining slopes with the way we shaped the lots. Unit 2 and 3 have further restrictions to make sure they cannot touch the slopes. This is far less intense than the previous proposal. A couple things brought up were the condo documents which were provided. Unit 12 was in the Ag zone and we wanted to eliminate that concern.

Renis asked regarding the stabilization order, is that being taken into account. Lara said the order was received and it was taken to the team. It fits within what we are doing. If it is required, we will work to achieve it. We want to do right by the site and the neighbors.

Hefferan asked Kopriva in regards to the lawsuit, not to minimize it, the lawsuit is a private settlement between two parties.

Merillat said we can approve the site plan, but if the court does not allow it, they will not be able to move forward.

Lara said we have to provide information to all the same entities with the county and state.

Merillat asked how far along they are in reviewing compliance with chapter 19 private roads. This has not been done at all. This should definitely be a condition of approval.

Motion by Merillat to approve SPR 2022-01 for a 14 unit site condominium, Torch River Terrace, at 0 Miller Rd, parcel number 05-12-101-020-10. Based on the staff report dated October 18, 2022 with the following conditions:

1. Subject to the provisions of chapter 19 Private Roads being satisfied.
2. Bylaw and master deed approval by the township's attorney and staff.
3. Private roads shall be constructed and given final approval prior to land use permit for any construction on individual units.

Seconded by Renis. **Motion carried.**

New Business:

Public Hearing ZO 2022-03: Zoning Board of Appeals Membership:

Hefferan discussed the public hearing procedures. This was advertised in the Record Eagle October 5, 2022 and the ER News October 6, 2022. There is no applicant.

Kopriva said we cannot find people to serve on the ZBA. It was suggested we set it to five. If we use the language "may" then we can add alternates.

Public Comment:
None.

Public Hearing Closed.
Deliberations began.
No discussion.

Motion by Renis to recommend approval of ZO 2022-03 by the township board. Seconded by Warner. **Motion carried.**

Reports:

ZA Report:

Kopriva directed the commission to read the written report provided.

Township Board Report:

Renis said board finalized the agreement with 186 Networks for fiber being run in the township. Julie Brown discussed the millage proposal with the board. Stephenson gave an update on the ER District Library and future plans. The five year recreation plan was approved. Lon Bargy is going to retire in December.

ZBA Report:
No meeting

Planning Commission Updates:

Hefferan asked Kopriva to remove Road Ends from the subcommittees. Kopriva is working on a draft ordinance for steep slopes.

Future Meeting Considerations:

Next meeting is November 17, 2022.

Meeting adjourned by order of the chair at 8:44pm.

Respectfully submitted,

Joseph Merillat