

Milton Township
Planning Commission
Unapproved Meeting Minutes
September 15, 2022

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

Members absent: Warner, excused

Also present: ZA Kopriva, Assistant Peterson, Rob Larrea, Chris Grobbel and 8 audience members.

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

Public Comment:

John Spevasek, president of TESA. We are delighted that the Brewers found an alternative use for that site. The lawsuit was settled through mediation. There are some requirements to stabilize that site and I have not seen any work being done. I want you to be aware of that agreement, which Kopriva will have. We hope what we agreed to gets done.

Terry Roote of Cherry Ave., said he is also happy that they are looking at a single family housing situation. My concern is I looked at the drawings and I counted 21 septic tanks for 14 units. One is drawn on my land. I assume there are errors on the drawing. I do not see where the drain field will be. The driveways and roads will be paved. This moves water faster. I have spent a lot of money getting my property straightened out. I want that water retained. There is a draining pond uphill. Not sure how that will work. My property is not being screened from this development. I have not had a chance to look at the requirements. There is a court order that requires the stabilization of that property. Nothing has been done yet.

Linda Spevasek thanked the commission for working on the RV Park amendments. I was thinking about the hearings. The concerns were density, parking, and noise. These deserve more consideration in your work. 3 per acre is the current density of other parks. 2 parking spots per site may not account for up to 10 allowed guests. Parking should remain on site. There is normal life noise and then there is nuisance noise. If you are going to have any density at all, there needs to be at least a berm between the park and residential areas.

Mac Whitehouse of Wabagama Drive thanked the board for their work. Sharon Hill provided her comments to him. He encouraged the use of Zoom for the public comment portion of the public hearing on this issue. 3 sites per acre is the benchmark for density. The other is that it seems the proposed ordinance does not specify who has the lease if it is an individual or a group. It should be an individual.

Ann Hubbard of Wabagama Drive thanked the board for their work. She is concerned about density. It should be 3 per acre. When it becomes too dense, then you get people worried about congestion and parking and noise. That all stems from density. Her other concern is related to

dark skies. It is becoming a bigger concern as we do more development in the area. Like noise, it is something that is hard to quantify and control. Other places have requirements including downward facing lights, the lights are shielded, prohibiting protruding lights.

Chris Grobbel on behalf of TESA thanked the board for their work. Big picture comment, the ordinance is permissive rather than restrictive. Make sure that is how this ordinance is read and interpreted. If it is not specifically allowed, then it should not be talking about events and splash parks. The minimum lot size is 3-10 acres. We have suggested 15 acres. The average in the region is 86.78 acres. Density is the issue. 2.6 is the average. I would encourage you to take another look at 8 sites per acre. In the current village zones, there are many parcels that would meet the requirements. We would not be spot zoning. Funneling should be specifically prohibited. Guest parking should be separate and stated in the ordinance. The noise buffering must also be addressed. Earthen berms that are well landscaped are the best answer. I encourage you to look and think about those things. The prohibition of site clearing prior to permits should also be included.

Approval of Agenda:

Kopriva said there were some communications that will be in the packet for next month.

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

Approval of Minutes dated July 21, 2022:

Correction: Add “excused” after Members absent: Ford.

Motion by Ford to approve the Minutes dated July 21, 2022 as corrected. Seconded by Hefferan. **Motion carried.**

Old Business:

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

Kopriva discussed the changes made at the last meeting. Density and overwinter storage were updated. Kopriva said regarding density, the ordinance in the ER Village does not have a density requirement. The density is calculated on the usable area, rather than the whole area when part of the area might not be usable. She added the language about having RVs stored at the park in the off season.

Renis said what about retention ponds? Would you elaborate on certain things that count towards the unusable space? Renis said this is the part that limits the density of any RV park. Merrillat asked if B is calculated on 10 acres or more than 10 acres. It is not explicit in what is included. Hefferan said he assumed it was the 10 acres of the park and not the parcel. Merrillat and Renis discussed what “usable acreage” is. Kopriva said it will be a max of 10 acres and will clarify what areas are excluded from usable acreage. 8 units per acre came from the density in the village district. That makes sense regarding how you would build houses or duplexes in the area. It will be changed to 6 sites per acre. Next steps are public hearing and then you could look at it and talk about it. If there is no discussion, we have to move it along. Hefferan said we have had good representation from the public in these discussions and density is something we are considering. The public may not agree with the density we decide on.

Motion by Ford to have a public hearing on ZO 2022-02 Zoning Ordinance Amendment on RV Parks on October 20 at 7:00 pm. Seconded by Merillat. **Motion carried.**

New Business:

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

Kopriva provided a staff report for this project. A site condo is allowed with a site plan review. Look at the contents and make sure it meets the standards for approval. In this project there are private roads. Those will be dealt with in the private road administrative process. You will look at density, not sizes, lot widths and make sure it conforms. She did include the standards but not the findings. Do you have concerns that you would like to have addressed?

Rob Larrea of Community Planning Land Use Consulting made a presentation. We are creating something that fits in the area. We are working to keep it small and we are preserving a lot of the trees. It is accessed off the county roads Miller Road and River Road. Our intent is to create a conservation type design. Much of the conservation value is gone now, but we have tried to do the best we could for this site. I know the neighbors have concerns and I want to work with them on that. The northern parcel is not part of the site. We are trying to make it minimal grading.

Hefferan asked in regards to the master deed, you said you are working with the planner to finalize the master deed. Larrea said if there is anything additional that the commission thinks appropriate, we can add it to the master deed. Kopriva said a condition of approval is that the master deed is approved by us. It will protect the open space between the lots.

Hefferan noticed the zoning is checked as Manufacturing. This is incorrect.

Hefferan said we are dealing with two parcels here. Your client is purchasing both parcels. The pie shaped piece is zoned AG. Do we have any problems with that? Kopriva said they can adjust this so it is not on the AG parcel. Can we approve the plan the way it is? Merillat said Derman should answer that question.

Renis asked if there would be any more disturbing of the soil. Larrea said there is enough disturbance. We are working with the site as is and have restricted areas in our building envelope so the disturbance is minimal. Renis asked what the size are condos? Larrea said these are single family homes.

Ford asked if these homes are similar in design. Larrea said people will design their own homes. Larrea gave some history on a site condo. In doing so, you can do a traditional subdivision. It is a regular subdivision. People can build what they want. It will have limitations on what you can do such as covenants.

Renis asked about the septic systems. They have individual sites. We have identified areas that are the best soils. That will make it so we do not have to elongate our sites and take up all the land. Larrea explained you can cluster them and that allows you to put them on the best soils. Is there a limit on the number of bedrooms before you overtax the septic systems? The sizing will be on bedrooms and there is enough room for everyone. Peters explained the building code and Kopriva discussed the health department regulations. Peters said by the sites being clustered, this

helps with the well spacing. Larrea said we had to do what we could to keep areas green.

Ford asked regarding our short term rental ordinance. Village district is exempt from our short term rental ordinance. Ford asked if we can restrict that. Kopriva said no.

Merillat asked about the private roads. Kopriva said that she will deal with the private roads.

Motion by Renis to direct staff to draft finding of fact in support of SPR 2022-01 Torch River Terrace Site Condo. Seconded by Peters. Discussion: Merillat asked if we can ask staff to draft findings of fact neither in support nor against. Kopriva said she will not lie as she is answering the questions. **Motion carried.**

2. ZO 2022-03 Zoning Map:

Kopriva provided a memo in the packet that explains the PUD district which you have removed from the map. She cannot find a map that does not have that district on it. She wanted to go through and decide what those should be zoned. Then, hold a public hearing and adopt the map. Merillat noted the map that was approved in 2012 does have the PUD district on it. Merillat said he assumed it went back to the underlying zone, but that could create non conformity. This is another case for Derman. He did review this in 2012 and said it was fine. Kopriva said your ordinance does not have a PUD. You do have a PRD, not PUD. The biggest issue is that it is not in the ordinance, it is difficult to deal with. Merillat said it should revert to the underlying district. The map has not been updated with rezones since 2012. Staff will look through to see what was rezoned since 2012 so we can determine what the map is currently

Reports:

ZA Report:

Kopriva provided a report for members to review.

Township Board Report:

Hefferan said the board appointed Joe Renis to the vacant trustee position. Kopriva discussed the winery that has a short term rental and you may end up seeing an amendment regarding allowing short term rentals as a portion of the business. It may be similar to what you were working on a few years ago that was withdrawn.

ZBA Report:

Hefferan said no meeting has been held. The township board directed us to consider reducing the number of ZBA members and we decided to stick with 7 and two alternates. We are having problems finding members. Five members is quite standard. Should this be put on our agenda? Kopriva said yes. She will draft language.

Planning Commission Updates:

Hefferan said Township Board Chair L. Bargy is planning on nominating Jim Standerfer for the vacant planning commission position.

Hefferan said he got emails regarding short term rental concerns. He asked that they be provided to the rest of the commission. This is just FYI. It could be a topic, but not right now.

Future Meeting Considerations:
Next meeting is October 20, 2022.

Meeting adjourned by order of the chair at 8:21pm.

Respectfully submitted,

Joseph Merillat