

Milton Township
Planning Commission
Unapproved Meeting Minutes
March 1, 2023

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

Also present: Kopriva, Peterson and 4 audience members.

Members absent: Noel Peters, unexcused.

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

Public Comment:

Fred Gulick asked for clarification on the zoning report presented to the Township Board and what was the detail that was provided.

Mike Newman of Waterfire Vineyards asked if he should speak during public comment or during the discussion item. He will speak during the regular discussion.

Approval of Agenda:

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

Approval of Minutes dated February 1, 2023:

Correction: Bids for a feasibility study for a walkway around Lake Maplehurst on page 4.

Motion by Renis to approve minutes as corrected. Seconded by Warner. **Motion carried.**

Correspondence:

Kopriva said a letter was received from Clearwater Township notifying us they are starting work on their master plan.

Old Business

None.

New Business:

1. ZO 2023-01 Winery Amendment:

Included in your packet is the application and the proposed language. The updated sections are highlighted and attempt to show the language being changed.

Mike Newman gave a presentation regarding the proposed language. There is a dispute going on in Whitewater Township. The problem they are having is arising from a disconnect from their ordinance and their master plan. The people want to preserve the rural character. The reason the short-term rental ordinance was put together is because of density concerns on the waterfront. Unfortunately, it did not address the rental that we have. There has never been a basis to apply the restrictions to the AG zone or to a commercial farm using it to help sell our products. We

have been operating it for several years now. It is an important part of our business and allows us to diversify our revenue. The smaller you are, it is more important to be diversified. The only people we will have in our tasting room are the people who are staying in our rental. If you stop us from using this rental, this is a significant hardship for our business. I would ask that you allow us to re-list this rental for this booking season. The second area of disconnect is in the winery ordinance itself. The current ordinance is unlawful because it does not allow us to do things that the law allows us to do. We appreciate that the township has shown they will try to work through the details. I think we got close at the time, but we had to take a step back from the process, but this new language balances our rights with reasonable restrictions, which is ideal zoning. Even if you do not think you are required to make the changes to the ordinance, I will suggest if you do make these changes, it is more likely that years from now, our plot of land will have a farm on it and not a housing development.

Hefferan asked regarding member questions for Newman. Renis asked about marketing events versus an event center. Newman said the events are to sell our products. The current ordinance limits events to 20 people and they have to be educational. We think this is violating our rights. There is no township that has such a limitation like this. We are seeking to have wine dinners. Harvest parties. Other events that people may want to buy the wine. We make money by selling the wine to people. When you do a pie chart, wineries get 25% of their revenue from events. We have been very limited on that. Renis asked about the 160ft setback, versus 200ft which is already in the ordinance? Newman said he does not recall the reason for that.

Hefferan asked if the subcommittee process was more helpful than us attacking this as an entire commission? Hefferan said there has been a lot of work done and we felt like we were getting close, but the matter was stopped. We are back to where we left off. Hefferan is wondering if this is best if we set a subcommittee to sit down with the applicant and work on this issue. Ford says he is fine with that. Kopriva asked if there is anything glaring in this proposal which is a non-starter, it would be good to have that input before we spend time working through this.

Ford asked Newman if there is anything new in here from our last draft that we worked on together. Newman said part of our frustration was the circular process was we thought we worked through an issue with the subcommittee and then a new issue would arise to try to get to an efficient process. The requirement that the guest quarters be attached to the tasting room or be a separate building that is at least 960 square feet. We have some reasons why that is not a good idea. It does not address the concern with buildings being abandoned if the business fails because you would have to map out the property otherwise you would be left with a building you could not do anything with, other than a separate cabin that you could cart off or convert it to a storage building. Kopriva said this would be specific to this use and only apply to this winery ordinance. Kopriva said this is not amending the STR ordinance in any way. Would this be in direct conflict to that? Kopriva said it would require a license. Merillat said this is a zoning ordinance and our STR is a police ordinance.

Ford, Standerfer, Warner will be on the subcommittee and will meet at 9:00am March 8th. Kopriva suggested if any commissioners have any concerns about this, please send to her by the 7th and we will discuss at the subcommittee.

Merillat said he has a concern about carving out a niche for wineries. Newman asked what he can do in the meantime with our rental? Hefferan asked Kopriva regarding the STR. Kopriva said there is no waiver available. Newman asked if the township board could make a determination that the existing language, because it is focused on R1, by its own terms does not focus on Ag? Could the planning commission make that determination right now? The ordinance does not have an appeal process built into it. Kopriva said the board has been asked if they would like to change the language and the board did not want to. Newman would be requesting an amendment to the short-term rental ordinance. Hefferan said the committee is aware of the concerns will meet on March 8th to discuss further.

2. Master Plan Review: Existing & Future Land Use, Implementation:

Existing & Future Land Use:

Kopriva said this is based on assessing data and then we get into future land use and we should spend time on that tonight regarding the districts that have been created. Hefferan said Pg 2 , under existing land use map. The Torch River Preserve is not noted. Merillat said he would throw this whole map out because using the assessor's data is not close to correct. Kopriva said the assessor's data should be close. Merillat said it gives the wrong impression of the use of the land. It gives the impression that a ton of land is residential but it is vacant land. Renis said from the existing to the future, could we use the same terms? Kopriva said where is the line between what is ag and what is residential? Merillat suggested labeling vacant parcels.

Future Land Use Map: Merillat asked why our zone labels changed? Kopriva said they do not have to be named the same in the future land use maps. Kopriva said you go through the master plan and then you would go through the zoning ordinance to reflect where we want to go. Warner said the goal will be to support agricultural efforts and we should hear from farmers to determine how we are going to do that. Kopriva said that would happen at the zoning ordinance level. Hefferan asked how we would do that? Warner asked about having an open meeting with farmers. Kopriva said we will do an open house in May or June. Hefferan said we need to get as much input as possible and farmers will be busy in the spring. We will do the best we can. Regarding the map, the majority of Milton is residential and there is a lot of Ag in there. If you make the whole middle AG. You have no future development. Merillat said that does not mean there will not be development it just means there will be 2 acre lots. Warner said he would like to see pockets of some areas to have more density. Merillat said we have that now in transition areas south of the village of Kewadin and north of the Torch River village zones. Kopriva said creating pockets of density, but those are not large areas of property to add housing. Where in the township would you want to encourage new development. Warner said near the highway. Renis said view property is the next area for development since the water front is taken and expensive. Warner said he agrees. Merillat asked regarding the changed zone labels. Why would we do that? Kopriva said R1 is not descriptive of the property at all. Kopriva said you can go back to your current future land use districts. Kopriva will bring back the current future land use and we will review it against the new map. Merillat said on page 7, light industrial, "should adopt special regulations"...this should be reserved for Implementation. Otherwise, we will have a bunch of "shoulds" in the document that we will not be able to follow. Page 5, there is another "should" in transportation. On Page 6 it says to regulate home business. We already do that and it is in the ordinance.

Reports:

ZA Report

Kopriva provided a report for members to review. She mentioned a court date is set for one of the violations. Kopriva discussed having more community engagement opportunities for the Master Plan.

Township Board Report:

Renis said the budget hearing will be March 27th at 6:00pm. The zoning ordinance for the RV park and the number of members to the zoning board of appeals came back from the county approved.

ZBA Report:

Hefferan said they have not met.

Planning Commission Updates:

Steep Slope Committee was rescheduled to March 2, at 9:00am.

Ford discussed the STR ordinance and the amendments made last year.

Future Meeting Considerations:

April 5, 2023: Utility Scale Solar Amendment, Winery Amendment, Master Plan review, Steep Slopes. The board has asked the planning commission to consider changing the minimum housing square footage for a dwelling. Kopriva suggests discussing this after we are done with the master plan.

Adjourn

Meeting adjourned by order of the chair at 8:37pm.

Respectfully submitted,

Joseph Merillat