

Milton Township
Planning Commission
Approved Meeting Minutes
February 14, 2006

Members present: Chairman Stilson, Merillat, Cole, Davids, Geddes, Lein, and McKimmy

Also present: Weinzapfel and six audience members.

Stilson called the meeting to order at 7:30 p.m.

Approval of past minutes dated Jan. 10, 2006

Changes: Pg 2: spelling of Schieber; Pg. 3: change to "trees and shrubs."

Motion by Cole, seconded by Geddes to approve the minutes as amended. **Motion carried.**

Approval of past Special Meeting minutes dated Feb. 6, 2006.

Motion by Davids, seconded by Cole to approve the minutes as presented. **Motion carried.**

Announcements: Rental sign amendment approved, 2006 Master Plan approved by township board on February 13, 2006. Grand Traverse Bay Watershed Storm Water Symposium, Elk Rapids Township is starting to revise its Master Plan.

Approval of Agenda:

Add Primary Structure Dwelling Subcommittee Report.

Add Verizon Subcommittee.

Add Elk Horn Storage Subcommittee.

Non-conforming Lots of Record Public Hearing Amendment 06-03

To add the following to Chapter IV 117.400 Nonconforming Lots, Uses of Land, Structures and Premises Sec. 117.401

F. Lots of Record: Non Conforming

Two or more contiguous parcels of property owned by the same person shall be considered as being one parcel if one or more are non conforming in size and the resulting parcel does not contain two dwellings.

Speak in support:

No one wished to speak

Speak in opposition

No one wished to speak

Board deliberations:

McKimmy asked if this was approved by legal and if it involves a taking. Weinzapfel says it has been reviewed and approved by legal and it is not taking. It is the formalizing of what the board has been doing all along.

Motion by McKimmy, seconded by Lein to approve Amendment 06-03

Roll Call:

Dauids: Yea, because this is recommended by Legal.

McKimmy: Yea, restores intended design of township.

Geddes: Yea, clarifies the subject.

Merillat: Yea, adds language to the ordinance to re-enforce what the township is doing.

Lein: Yea, formalizes what the township is already doing.

Cole: Yea, takes non-conforming lots and makes them more conforming.

Stilson: Yea, clarifies what the township is already doing.

Motion carried: 7-0

Sandbar Shop Subcommittee Report:

Geddes/Dauids/Lein

Geddes submitted subcommittee meeting minutes dated February 1, 2006. Purpose was to have an onsite informational meeting. No further action will be taken because Mr. Schieber's purchase of the property is still uncertain. Schieber is asking if boat docking can be considered parking spaces.

Land Division of Platted Lots Subcommittee Report:

Lein/Stilson/Geddes

Geddes outlined subcommittee meeting held on January 18, 2006. Geddes said that a conflict has been found in the Milton Township Subdivision Ordinance No. 5 (Section 112.047-Lot Division) which would not permit division of any deep platted lots. If that conflict is resolved, the board could consider the recommendations of January 10, 2006 as noted in Attachment 1 of the subcommittee meeting minutes dated January 19, 2006.

Merillat said he would like to see more discussion as to why this should be done. He says that it would create one conforming lot, but one would still be non-conforming.

McKimmy asked how many lots in the township this would affected. Geddes said four.

Motion by McKimmy to recommend that the township board not split any platted lots, but if they chose to do so they should use the procedures outlined in the subcommittee report dated January 10, 2006. **Seconded by Lein.**

6-1 Motion carried.

Torch Hills Site Condo Planned Unit Development Public Hearing:

Owner: Rapid River Enterprises UP LTD.

Property Tax # 05-12-218-002-00.

Address: Property is located on the Torch Lake end of Bussa Rd. & Wallen Lane.

The owners are requesting a rezone of approximately 21.76 acres of agricultural land to a Planned Unit Development (PUD). The development will consist of 12 lots with single-family homes on 10.35 acres and remainder left in open space.

Property Surrounding:

North: Ag/vacant.

South: Residential/Brentwood Heights sub.

East: Residential/Brooks Pointe Site Condo.

West: Ag/residential homes.

Description:

This is a 20.76 acre parcel with trees, slopes, wetlands and views of Torch Lake accessed by Bussa Road and no private Lake access. AG

Master Plan:

Master plan recommends the use of open space zoning, clustering, and PUD techniques when considering residential uses in this area.

Lot Requirements:

Chapter XV PUD requires a minimum of five acres required for PUD, lot size 100 ft width and min. 25,000 ft².

Dennis Irelan, applicant gave a history of the property and an overview of the proposal. There is a potential for 23 lots, min 2 acres in size. However, he has decided to cluster the housing rather than break up the land. Health department dug test holes and found out there could be 12 lots. There will be two roads. Heidi Lang has evaluated the wetlands, but it has been determined that they are most likely unregulated wetlands.

Geddes was unsure of where the houses would be regarding the heavily wooded ridge. Irelan said that the trees will have to be thinned so the houses would have a view.

Davids asked regarding the deed restrictions that the east facing homes be one story and those behind that could have more than one story, so that the view would not be blocked.

Cole asked the benefit of the PUD. McKimmy said the benefit is one additional lot and 50 percent open space.

McKimmy asked regarding where the population density is around this development. Irelan said Brentwood Heights to the south, along with the lakeshore.

Tom Blanchfield of Brentwood Heights asked regarding utilities. Ireland said they would be underground. Blanchfield asked if the roads would be paved. Ireland said he hoped eventually they would be. Blanchfield asked regarding the number of stories that would be allowed within the development. What are the restrictions for building near the property line? Standard township setbacks apply.

Nells Velliquette of Traverse City: Whose opinion is it that the wetlands are non-regulated? Ireland said Voice Environmental has done an evaluation.

Karen Fowler of Brentwood Heights asked how the septic would affect the groundwater. Ireland said that there is a 50 foot isolation zone around the septic and detailed the health department regulations.

Lee Boysvert of Western Road asked what the degree the slopes were. Ireland is not sure. There will be no septic on the steep slopes.

Merillat read letters regarding this project from:
Daniel G. Stewart, Heidi Lang, Antrim Soil Erosion Control Officer, and Ed Porter.

These letters will be included as a part of the record.

Dauids asked regarding Ireland's comments on the rain garden spoken of in Lang's letter. Ireland said he was open to working with Lang.

Those who wish to speak in support:
Dennis Thayer of Bussa Road: has adjoining property. He and his wife have no problems with the development.

Leo Bussa of Bussa Road supports the project.

Those who wish to speak in opposition:
Karen Fowler of Brentwood Heights said she is concerned about putting all those houses in one area and she is unsure of what the future will bring.

Tom Blanchfield of of Brentwood Heights said he is unsure of the future development in the area.

Lee Boysvert of Western Road agrees with the previous two, that it's not specific to this development, but what it portends for the future.

Board deliberations:

Geddes asked if there are any other necessary permits. No. All three are in. Road Commission, Soil Errosion and Health Department.

Roads meet township standards for a private road.

McKimmy added that further development will occur, but it should be kept near other residential. The benefit of working through a PUD is that there is dedicated open space. All requirements have been met and it is consistent with the master plan.

Geddes asked what happens if the north road needs to be moved a bit to avoid the wetlands. For a minor change like that Weinzapfel can make recommendations to the developer.

Cole asked regarding the open space on the slope. What would prevent one property owner from taking out all of the trees on the slope. Irelan said he will have some kind of language in the restrictions to preserve the view and prevent erosion problems.

Weinzapfel presented two additional letters that we read into the minutes. They came in via fax this afternoon. One from Joe Wirtz and one from Dennis and Dana Thayer. These letters will also be included as a part of the record.

Motion by McKimmy to approve Amendment 06-02 Torch Hills Planned Unit Development site plan dated January 8, 2006. **Seconded by Merillat.**

Geddes clarified that there are no conditions tied to this PUD.

Lein said the project has been well presented and well prepared. He would hope there would be explicit language in the deed restrictions regarding the clear cutting of open space.

Roll call:

Lein: Yea, because of this type of a change to PUD is recommended by the Master Plan.

Geddes: Yea, because the proposal meets the requirements of the ordinance and is in a residential area. While there are concerns about the future, we will address those then.

McKimmy: Yea, because it is consistent with the type of development approved in the Master Plan.

Dauids: Yea, because it is consistent with residential and the Master Plan.

Merillat: Yea, because it meets the PUD ordinance, open space development, past precedence with approvals on PUD density.

Cole: Yea, because it meets all requirements.

Stilson: Yea, because it meets all requirements.

Motion carried 7-0.

Boat Spaces Subcommittee

Cole/Merillat/Lein

A draft language has been created and will be discussed at the subcommittee level

25 Foot Protection Strip:
McKimmy/Cole/Davids
Subcommittee hasn't met yet.

Some discussion as to the procedure to follow in updating the ordinance to reflect the newly adopted Master Plan.

Verizon subcommittee:
McKimmy/Geddes/Davids

Next Month's Agenda:
Primary Structure/dwelling.
Verizon subcommittee report.
Elk Horn subcommittee report.
Ancient Mariner subcommittee report.

Motion by McKimmy, seconded by Davids to adjourn at 10:08pm. **Motion carried.**

Respectfully submitted,

Joseph Merillat
Secretary