

Milton Township
Planning Commission
Approved Meeting Minutes
April 10, 2007

Members present: Chairman Stilson, Hefferan, McKimmy, Merillat, Lockett, Cole and Geddes.

Also present: Weinzapfel and 20 audience members.

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

Approval of March 14, 2007 minutes:

pg 3: fifth paragraph, change April 28 to March 28

pg 1: entrance typo

pg 3: double check spelling on "hangar"

pg 2: add "which" currently

pg 3: delete sentence "as long as documentation...."

pg 3: Measurements are taken 300 feet away

pg 4: add "Mr. Malone's friends"

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

Meetings and announcements: None

Approval of Agenda:

Remove #6

Motion by McKimmy, seconded by Cole to approve the agenda as amended. Motion carried.

Amendment 07-01:

Public hearing to amend the agricultural zone to allow for private cemeteries under a special use permit. Chapter 6, Agricultural zone, Section 117.604 uses permitted by special use permit, add the following language:

8. Private Cemetery.

Subcommittee member Merillat gave an overview. A resident approached the township about establishing a private cemetery. This would be a private family member cemetery. It is not currently allowed in the ordinance, but one is currently in the township. The sub recommends that a private cemetery be allowed by a special use in the Ag zone. Cole said the state requires the township to allow private cemeteries. It's a question of where they should be allowed.

Public Comment:

Joyce Grammar asked if the township has a choice. Cole said the state says that it is a right. Village and R1 areas should be restricted from this type of thing because of the size of the lots.

No correspondence was received on this matter.

Stilson asked for comment for those in support:

Doug Strang asked where it is being proposed. Weinzapfel stated there has been no formal application. This is an amendment to the ordinance.

Stilson asked for comment for those against:

Doug Strang asked on what the effect would be if a parcel that has a cemetery were rezoned to R1 in the future. Stilson said this is a part of the growth of the township that will be watched.

Stilson closed the public hearing to begin board deliberations.

Geddes asked the subcommittee if we proceeded, we would be changing the current ordinance. Is this something we should do now, or should this be done with the new ordinance. Stilson said it should be done now.

McKimmy said this should be moved forward now.

Cole discussed the Michigan statutes, regarding private cemeteries. Cole suggested the possibility of adding language to let landowners know that if they plan on vacating the land, how that would be handled.

Weinzapfel said within the special use permit for each cemetery, the person would follow all state requirements, township requirements, health department requirements and review by legal.

Geddes suggested adding a line in the paragraph before stating that all allowed special uses would be subject to state, county or federal regulations. Weinzapfel said this would require a new public hearing. Geddes said this, however, could be added under the new ordinance.

McKimmy asked regarding the state's 1-acre requirement, but Milton using the 2-acre number. Cole said the smallest land division allowed is 2 acres. Would this apply to new ownership? Cole said this wouldn't make a difference.

Geddes asked if a private cemetery would come off the tax rolls? Weinzapfel said one acre would come off, the other acre or more would stay on.

Geddes said he is uncomfortable with this. Hefferan said he feels all of the concerns are addressed by the state.

McKimmy suggested that this should be tabled.

Cole said this should be reviewed by the township's attorney.

Motion by McKimmy to table resolution 07-01 until the next meeting; the issue will go back to

subcommittee for review. Seconded by Cole.
Five aye: Cole, Luckett, Geddes, Stilson, McKimmy.
Two nay: Merillat and Hefferan.
Motion carried 5-2.
Weinzapfel asked for direction for the subcommittee.

Cole asked if the trustees can be made to disinter those buried before selling the property.

Public Hearing: Amendment 07-02 Amend PUD of Elk Horn Storage renamed Boat House Storage. Owners John Peal/Richard Gaugler. Tax ID: 05-12-535-005-00.

A request to amend the planned unit development (rezone from AG to PUD) approved by the Township Board in July 1999 known as Elk Horn Storage, a private storage facility located on the southeast corner of US 31 and Campbell. New owners are requesting an amendment of the PUD to allow for additional storage buildings and a boat winterization service facility on the property.

No correspondence was received on this matter. The public hearing was advertised in the Elk Rapids News.

Doug Strang gave the presentation for the owners. Many years ago it was turned from a dairy farm to a storage facility. This PUD is a combination of residential and special uses. The original owners lived on the property, so that sufficed for the residential at that time. The dairy barns were converted to boat storage. He pointed out where the new buildings would go and discussed what the winterization process would be in that facility. An office will also be in that building to handle paperwork. If they must keep R1, there will be an apartment in the building. Regarding the existing greenbelt, it was agreed that those dead trees would be replanted this season. The east side is regulated wetland and contiguous to a creek. Neighboring property is residential, vacant land, commercial. The area to the south is McLaughlin gravel pit. McLaughlin would like the water run-off from this PUD to go into his gravel pits. He will give an easement to his property. Only clean water will be diverted into his gravel pit. Over 51 percent of the total acreage will be left in open space. This will be placed in a conservation easement. The need for boat storage is very evident in our area. All storage will be inside. This is a proposed build out over 20 years. Each phase will require a land use permit and if any changes are made to the proposed development, the owners must come back before the commission for approval.

Geddes asked if any existing buildings would come down. Silo building will be coming out to be replaced by a new building. The dairy barn will be removed.

Strang said original plan requested no paving. With this plan, the driveway to the maintenance building will be paved and the driveway will be reinforced. The driveway entrance and turning radius will be improved.

Luckett asked regarding the total number of boats will be stored. Strang said that's hard to

answer because of the different size of boats. They will be stored three abreast in each building.

Geddes asked if residential is required, there is a house there now, and will that house come down? Yes, because that is where the maintenance building is proposed. The apartment will be in it if required.

Public comment:

Trudy Cullimore of Quarterline Road asked if the water to be drained will be tiled. Strang said French drains, will take it to a filter, and then it will go in the McLaughlin easement drainage ditch. It will be contained. It is the natural drainage pattern of the area.

Pam Weir of Indian Road asked how wide the green belt is. Strang said the current trees are about 20 feet high. Right of way is 200 feet allowing for a 4-lane highway. The belt will be reinforced where lacking. The buildings will also be two-tone serving to make them appear not as tall.

Stilson asked for comment for those in support:

No one wished to speak.

Stilson asked for comment for those against:

No one wished to speak.

Stilson closed the public comment portion of the public hearing to begin board deliberations.

Geddes asked if the present buildings will stay the same color. Strang said the new ones will be two-tone. Geddes asked if the commission cares about sequencing of the new buildings. Does it need to be residential? It should be a combination of both storage and residential. Stilson said attorney said this is a gray area. Geddis replied that unless it is specific, we should still make sure there is residential in the PUD.

Merillat asked if the greenbelt meets our ordinance definition. Strang said yes, it does, and it will probably exceed as far as density goes.

Luckett said we should stay with the ordinance as currently written with residential. The original application required this and it is her feeling that it should stay this way.

McKimmy asked if the agreement between the owners and McLaughlin will be in writing. Strang said yes.

Hefferan said in section 15.01, 14.01 and 13.01. These areas contradict regarding having residential in a commercial area.

Cole said on #4 of the sub's recommendations, it should be added that winterizing could be done. Cole said regarding the requirement of having residential on site, instead of requiring it, if the

future ordinance required it, it would have to go in at that time. If it did not, then it would not.

Luckett said the current residence is being removed. They do not want it at the site. They are creating their own non-compliance.

Geddes asked if this is approved with the PUD requirements for residence and boat storage, does that mean they could take out the residence. Cole said no. They could ask for an amendment to the ordinance.

Stilson said that the gray area is whether or not residential is necessary. The board discussed “non-ordinary uses”.

On the prior approval, it required a residence.

Geddes said the current site plan does not show a residence.

Geddes asked regarding doing a two-stage approval? Weinzapfel said yes this is possible, but unnecessary.

The board agreed that it should have residential.

Motion by Cole to approve resolution 2007-02. Due to existing conditions of the surrounding property the board recommends the approval of the PUD with the following 25 conditions:

1. A mixed use of residential, open space and storage.
2. All screening and/or greenbelts shall be established & maintained in a healthy growing condition with a minimum height of 6 feet and as identified on proposed site plan dated 2-5-07.
3. There shall be no outside storage of any nature.
4. The use of the buildings shall be limited to the storage of boats, recreational equipment, and agriculturally related equipment. The use of the office/maintenance building may include the winterization of boats.
5. That the subject property not be leased, not allow it to be sublet, to any party which might engage in any commercial business activity. All activities are specifically limited to the above stated storage and winter and summer preparations for said storage.
6. That there shall be no additional signs and all signs must comply with the Milton Township Zoning Ordinance and have appropriate permits.
7. That temporary outside parking may be allowed when moving stored items in and out of storage, but shall not exceed 48 hours.
8. That there shall be no more than six security lights, all of which must conform to the Milton Township Zoning Ordinance, and shall be located as depicted on proposed site plan, 2-5-07.
9. That all future paved or blacktopped roadway is subject to approval by action of the planning commission.
10. That all the Milton Township Zoning setbacks must be met.

11. Access into the property shall be limited to one entrance, that being from Campbell Road.
12. That the area from the west property line of the subject property to the “upland” line, as designated in the Site Plan (2-5-07) shall be maintained as “open space” comprised of marsh wetlands and wooded wetlands.
13. That any land division approval required by the project be obtained.
14. That all buildings, structures and uses located on the premises shall be in full compliance with the Milton Township Zoning Ordinance.
15. Future utilities will be underground.
16. The exterior of all buildings will be finished in earth tones.
17. An elevation view/drawing of the property’s sign will be provided to the township prior to construction.
18. Future phases of construction will follow strict compliance with the approved site plan (2-5-07). Deviation from said site plan in future phases shall require approval of the Zoning Administrator and/or Planning Commission.
19. A minimum fifty-foot set back on the South property line.
20. That the Township Zoning Administrator shall have the right of inspection of the premises to determine compliance with these conditions upon reasonable notice to the Property Owners/Applicants and/or their successors and assigns.
21. The turning radius from Campbell Road into the entrance drive be a minimum of 35 feet.
22. Written easement from south property owner for diversion of runoff water.
23. Residential apartment be included in the office/maintenance building. This requirement may be reconsidered under a new ordinance.
24. Conform to all documents of sub-committee and the packet of information given to the planning commission, as well as the site plan dated 2-5-2007 as modified at this meeting.
25. Review of all documents by the township’s attorney, with the cost of such review paid by applicants.

Seconded by McKimmy

Roll Call Vote:

Hefferan: yea; The proposal positively affects the current use and does not negatively affect the township.

Geddes: yea; The proposal meets township requirements and the plan meets our site plan review checklist requirements.

Merrillat: yea; The proposal meets the ordinance requirements. This is a unique situation in which prior planning work could be utilized. This is a good use of land with 20-year build out.

Luckett: yea; The proposal complies with zoning ordinance with prior approval of the PUD and it is a consistent use of the land.

McKimmy: The proposal recognizes the work of the prior PUD. It’s a consistent use of the land and is consistent with our economy.

Cole: yea; The proposal meets ordinance requirements and is excellent use of the land along with access to a class 1 road. Boat storage is necessary.

Stilson: yea; Based on prior history of the PUD and upon the recommendation of the subcommittee.

Motion passed 7-0. Amendment 2007-02 approved.

Septage Waste Storage Facility Subcommittee Report:

Stilson gave the report. The subcommittee heard comments from the public. The sub did not feel that they could recommend an amendment to the ordinance. It should come before the whole planning commission. No application for this has been received. No action is being taken at this time.

Keith Termaat said it is the responsibility of the planning commission to deal with this. This is a big deal and it must be dealt with.

Stilson said the sub will not continue until there is an application received.

Termatt asked if other members of the public can come forward to request a subcommittee on this issue. Stilson said yes.

Sentinel Ridge Subcommittee Report: A rezone of 10 acres from AG to PUD requested by Larry Smith. Report given by Luckett. Sub has met twice. Luckett read from the sub report dated March 28, 2007. The current proposal follows the master plan as well as the PUD requirements. The sub recommends moving forward with the applicant's proposal.

Strang made a presentation of the site plan. It is 10.7 acres and includes land bisected by a public road. The private road is 1023 feet. The radius of the cul-de-sac will accommodate any emergency service vehicle. Property is owned by Larry and Corky Smith, as well as a trust. Area is zoned AG and R1. A common tax number has two zoning designations. Five single family lots, common sewage system, private road, and underground utilities are being requested. Soils are not conducive for each lot having its own septic. Applicant is asking that the lots be not less than 3/4 acre. That will allow over 65 percent of land left in open space. Also asking for road relief in the grade. Applicant is asking for relief from the 50 feet front yard building set back requirement. These requests will made an overall positive affect on the land and require less moving of earth. Antrim Count Road Commission has reviewed the site. There will be a 15-foot ramp onsite for putting boat hoists in and taking them out in the spring and fall.

McKimmy asked what is the shallowest spot on the lakefront. Strang said 20 feet.

Geddes asked what the max grade is on the road? 12%.

Would fire department have any issue with the grade? Weinzapfel said that the fire department chief should evaluate it.

Surrounding properties are vacant.

The subcommittee's recommendation is to call for a public hearing.

Motion by Geddes to go for a public hearing for Sentinel Ridge PUD. Seconded by McKimmy. Motion carried.

Creative Covers & Trim Subcommittee: Request by Joe Wagner to place his business into the old paddleboard shop on Cherry Ave, located in the village zone.

Joe Wagner gave his presentation. He is the owner of the business. It is currently located near Jackson, MI. He is looking for a change of pace. He feels the building fits the purpose well. There are currently no other boat cover places in the area. His company does boat covers, upholstery, convertible tops, jet ski covers, etc. He started in a small shop in southern Michigan. It grew in a short time. He has 30 years of experience. Business hours would be 8-5 Monday through Saturday. Parking in the front of the building; very little activity outside. Materials would be shipped via small trucks such as UPS or post office. Business is environmentally friendly.

Cole asked if this would be a complete move. Wagner said he would operate both business. If it goes well, he would like to move entirely up here. What about the back half of the business? The back is also available if required. What is the max number of boats outside? 12 max. McKimmy asked how he would handle winter. Wagner said he likes to bank upholstery jobs for winter or mid-summer. He can make arrangements for offsite storage for those boats.

Business would like to use existing sign out front, with another on front of building

Merillat discussed planning commission issues for special use permit for another business that occupied the site in 2005. Parking should be 1:1 with three additional for employees. Site plan review completed. Recommend possible offsite storage. Commission should address number of boats parked outside and length of time they are parked. No additional conditions recommended. Master plan supports small business within village.

McKimmy suggested that boats be stored behind the building.

Cole said it is a great use of the building. Cole said one sign is current restriction. Lights must be downward directed. Should there be screening from the road? The board discussed.

Motion by McKimmy to call for a public hearing on May 8 for Creative Covers and Trim special use. Seconded by Cole. Motion carried.

Private Road Air Strip public hearing will be moved to May 8th.

Ordinance Review sub report as given by Geddes in a report dated 4/407.

Review of Signs Subcommittee will meet April 16th at 9:30pm.

Boat spaces sub will meet to discuss proposed language with Weinzapfel.
April 16th at 8 am.

Meeting adjourned by order of the chair at 10:58pm.

Respectfully submitted,

Joseph Merillat
Secretary