

Milton Township
Planning Commission
Approved Meeting Minutes
August 14, 2007

Members present: Chairman Stilson, Geddes, Luckett, Hefferan, Merillat and McKimmy

Members absent: Cole (Arrived at 7:23pm)

Also present: 13 audience members.

Stilson called the meeting to order at 7 pm.

Approval of past meeting minutes dated July 10, 2007:

Pg 1: Three Lakes gave a presentation to the Township Board, not to the Planning Commission.

Pg 3: Correct spelling of Apczynski.

Pg 4: Change "committee" instead of "community."

Pg 10 Last paragraph: "workshop will be scheduled when Cole returns from vacation."

Pg 2: Add question mark after Mark McAlpine's question.

Pg 3: Because the length of her boat is less than 24 feet, it would be measured as one boat.

Pg 5: 4th paragraph; add, "proposed."

Pg 9: 1st paragraph: Change Geddes to Stilson.

Pg 10: Hillside Sub: third line: add "ID" and capitalize "C"; Capitalize "R" in "R2"

Motion to accept the minutes as corrected by Geddes. Seconded by Luckett. Motion carried.

Meetings and Announcements:

Michigan Association of Planning annual conference.

Antrim Conservation District Watershed Tour.

Sunshine Laws Workshop.

Northwest Michigan Council of Governments.

Approval of Agenda

Motion by Geddes, seconded by McKimmy to approve the agenda as presented. Motion carried.

Public Hearing for Amendment 07-07 Hillside Acres to amend the district-zoning map and rezone the following parcels:

Block D, lots one through thirteen of Hillside Acres from R2, to R1

Block C, lots one through thirteen of Hillside Acres from AG to R1

These parcels are located on East Elk Lake Drive. A part of Hillside Acres subdivision being part

of government lots 2 and 3, section 26 Townline 29 North, 9 west of Milton Township.

Merillat read a letter received in opposition to the rezoning from Cynthia Paradise.

This public hearing was properly noticed.

Bill Geddes, who served on the subcommittee, gave a presentation explaining where the rezoning would take place on a map. Mr. Beachel, who owns land in block D, requested the rezoning. The sub feels that this is a good recommendation. It has been developed as R1, however, at this time, under R2, duplexes would be allowed.

Cole arrived at 7:23pm.

Geddes continued: This re-zone would not increase density because the lot size has not changed.

McKimmy asked if all of the lots are 100-foot lots. Geddes said they are all presently non-conforming. In R2, lots must be 150 feet in width. If it were made R1, they would still be non-conforming, because the length exceeds the 1:4 ratio.

McKimmy said the lots were sold as 100-foot lots. A person who bought two lots thought they could always sell one. However, a Michigan law came about that combined two adjacent lots under the same tax ID number if one or more were vacant. McKimmy said this re-zoning would be reverting to the original platting of the lots.

Stilson opened the public hearing to informational questions.

Welles Hall who has several lots in Hillside Acres said this re-zone is not necessary.

Walter Manns asked if there was any consideration given to further subdivision of lots. Geddes said that the planning commission was opposed to doing that.

Rod Hammond of East Elk Lake Drive owns a lot in block D. He said he was told that the lot he owns, which is 150 foot wide is splitable. Geddes said the planning commission was not comfortable with the plan to split 150-foot lots. The concerns that came up were the number of splits that could be garnered from a 2000-foot deep lot. Three more lots could be created and it could place driveways too close together. It would also increase density significantly. When it came to a vote, the planning commission did not want to move forward. Hammond asked about splitting off the back of the lot and getting access from another road, rather than going across three potential lots. Geddes said that is a possibility. This rezone would do nothing to change that.

David Templin of East Elk Lake Drive said the area is pristine and he is afraid that this re-zone would be destroying the natural area.

James Luendoski of Mor Len drive said with the potential residential homes in the area, what are the traffic concerns for East Elk Lake Drive? Geddes said there will be no more homes with this change than without this change.

Gary Benson of East Elk Lake Drive said his parents bought two lots. They are currently zoned AG. The road is gravel at the end of the road. The road should be repaved. In residential subdivisions in Michigan, the speed limit is 25mph. Because this is AG in the back and R1 in the front, 25mph should be the limit. Cole said, speaking as a township board member, they have looked into it. In a rural area, if it is unposted, it's 55mph. More and more homes are being built, but the speed limit stays the same. Cole said the State Police do a study and then they can change the speed limit. There is a loophole, that if it is a dead end road and less than a mile in length, the township can establish a speed limit. Beyond that, the township has no control. Regarding the condition of the road, there is a list of roads that need repair has been presented to us by the county. The problem is that funding is decreasing significantly from the state.

Ed Flewelling of East Elk Lake Drive said he asked why Mr. Beachel wanted the zoning to go to R1. Geddes said if you are in a R2 zone, you have to have 150 feet for a lot. In AG, you have to have 200 feet. If it stayed the way it is, he could have a duplex on the lot.

Welles Hall: How will this affect outbuildings? Geddes said accessory structures are allowed in R1. Hall asked if a home has to be constructed in a certain amount of time. Cole said the home must be built within one year and no accessory structures can be built before then.

Bill Leeche of East Elk Lake Drive said if R1 is approved, if a person has 1200 feet, will that person be able to split? Geddes referred to the Rod Hammond question and answer.

Gary Benson of East Elk Lake Drive said if he owns one lot on the front and two lots on the back, does he have the option to build a garage on the back, separate lot? Cole said if the front and back lots are on the same tax ID number, it could be done.

Rod Hammond of East Elk Lake Drive asked how the treatment accessory structures would change from R2 to R1. Geddes said he sees no difference. Why do this blanket zoning? Geddes said that would be spot zoning to only rezone Mr. Beachel's lots. Geddes said after looking at the master plan, if this change was not before us, the planning commission would be looking at doing this for the new zoning ordinance.

Dave Templin asked if the lots zoned AG are owned by one person or more than one person. Geddes said he is unsure who owns the lots.

Dean Veliquette said he is upset with the erosion of property rights in the area.

Don Berg owns property in block C said his property is zoned AG. His lakeside is zoned R1. He

has no objection to making the zoning consistent, if you make it R1, what should he do about his building? Is it grandfathered? Merillat said yes.

Dean Veliquette asked if this is a platted subdivision? Yes. If you want to make a change, do you have to sue everyone in the subdivision? McMimmy said we are not changing it from the original zoning of the area. A plat is a sacred process and difficult to change and cut the lots. This is taking it back to its original concept and giving them the original rights they bought.

Those speaking in support:

Ron Grammar of Elk Tip Drive of Kewadin said the planning commission should proceed with the re-zone as described.

Bill Lecche of East Elk Lake Drive spoke in support.

Joyce Grammar of Elk Tip Drive spoke in support.

Water Mans of East Elk Lake Drive spoke in support.

Betty Lu Leeche of East Elk Lake Drive spoke in support.

Ed Flewelling of East Elk Lake Drive spoke in support.

Gary Benson of East Elk Lake Drive spoke in support as long as the lots can be combined.

Rod Hammond of East Elk Lake Drive spoke in support.

Dean Veliquette spoke in support.

Those speaking against:

Welles Hall of East Elk Lake Drive spoke in opposition.

The board began deliberations.

Geddes said this was part of the zoning ordinance written in 2000 that failed. This current action would have been recommended anyway, just in a matter of time. Geddes said he does not feel that we are taking anyone's rights away. The people who have lots and who want to maintain the rural character, they have the right to keep them the way they are. Mr. Hall can keep his lots unoccupied. However, if he wants to develop them, he may do that now.

McKimmy said he senses frustration that is created by others outside of this committee. One of those things is the safety of roads. He shares the frustration of the audience members and he is

eager to work toward developing a solution. This re-zone will restore the rights of people when they originally bought the land.

Geddes said he is also concerned about roads and speed limits and this is an issue that is very unfortunate.

McKimmy said he feels strongly that this re-zoning take place to restore the rights the people thought they were purchasing.

Geddes said this is a residential area. Despite the fact that there is AG zoning, there is no farming.

Stilson discussed grandfathering. Merillat said outbuilding on a lot without a residence would be a non-conforming building. Geddes asked if it was sold it would still be non-conforming. Yes.

Geddes said he counted nine individuals supporting and one against and one letter against. The sense of the audience after the discussion is that the information session has helped the audience understand and agree with the proposed zoning change.

Hefferan said he has been to the area and he believes when this was set up, it was created as R1. Regarding property rights, this is rectifying or restoring rights. If a person has five lots, it is considered one right now. However, with the zoning change, it would be considered five lots.

Motion by Geddes that the Planning Commission recommend that the Township Board approve amendment 07-07 to the Township zoning map to re-zone parcels within the Hillside Acres Subdivision Block "C" from AG to R-1, and to re-zone parcels within Hillside Acres Block "D" from R-2 to R-1 to reflect both current R-1 residential development and proposed future use in these areas. Seconded by McKimmy.

Roll Call:

Cole: yea: based on returning rights to individuals and it returns the property to the way it was divided and the re-zone is in line with master plan.

Heffernan: yea: Hillside Acres is developed in an R1 manner. This makes it more consistent.

McKimmy: yea: The public hearing clarified the concerns of the public. It restores the rights originally intended at the purchase of the land.

Luckett: yea: The rezoning restores rights; conforms to existing use; and consist with the future use.

Merillat: yea: This brings it more into conformity; lowers density and the rezone is consistent with the master plan.

Geddes: yea: The rezone conforms to master plan and returns zoning to type of development that is around that area.

Stilson: yea: He agrees with recommendation of subcommittee, which was to approve the re-zone.

Motion carried: 7-0

Boat Spaces Subcommittee Report:

Motion by Cole to remove boat dockage from the table. Seconded by McKimmy.

Merillat said he does not want to do that unless we have something to replace it with. Cole said the new material is different and would warrant a new public hearing.

Motion carried.

Motion by Cole to deny amendment 07-04: Amending 117.212D Limitation of Dockage and Docks. Seconded by Hefferan

Roll Call:

Luckett: yea: based on the new modifications and ~~a new~~ the public hearing.

Merillat: yea: based on the public comment.

Geddes: yea: based on public comment.

McKimmy: yea: based on public comment and concerns of MorLen Acres.

Hefferan: yea: because commercial interests were not addressed.

Cole: yea: several adjustments need to be made.

Stilson: yea: there are several changes that need to be made.

Motion carried. 7-0.

Larry Smith volunteered to take the planning commission members out in his boat to see the shoreline so they could see the issues they are dealing with.

The boat spaces sub met for a workshop on August 1st and a subcommittee met August 8th. The subcommittee will continue to meet to deal with the issue of boat spaces and commercial uses. The subcommittee will meet August 21st at 9 am. The sub will take a boat tour with Larry Smith on August 20th at 9.

Signs Subcommittee Report:

Luckett said Weinzapfel is going to strictly enforce the current ordinance. The size is the overriding concern. Geddes did a presentation with pictures of signs in the area. There will be disagreement. Off premises signs need to be addressed. The subcommittee will meet August 23rd at 9 am.

Ordinance Review Subcommittee Report:

The subcommittee met this morning. They are currently working on chapter 15. This is the chapter on PUD zoning. This is a very complex issue that is taking a long time to work through due to the differing characteristics in the different zones. Next meeting is scheduled for August 28th at 9:30 am. Geddes will be away for the September meeting.

The board discussed the PUD and what we would like to see in our particular village.

Merillat asked if the committee could offload anything. Geddes said Wind Turbines could be offloaded. There is a meeting coming up on the 16th at 6:30pm in Petoskey.

Merillat, McKimmy and Hefferan will be on the Wind Turbine committee. The meeting date will be set later.

McKimmy asked if there is anything in our procedures that allow us to go through with making a new or revised ordinance and having it come before the public and have lots of holes shot in it. Cole said no. All of our meetings are open and public. Cole illustrated the rental issue.

Meeting adjourned by order of the chair at 9:21 pm.

Respectfully submitted,

Joseph Merillat
Secretary