

Milton Township
Planning Commission
Approved Meeting Minutes
December 11, 2007

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

Also present: Weinzapfel and 7 audience members

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

Approval of November 6, 2007 meeting minutes:

Gg 1: Add "Boat Spaces" to "Public Hearing 07-08"

Geddes listed his changes in a document – use the word subcommittee instead of sub.

Pg 2: Trierweiler; Pg 2 and 3: Change "Wallin" to "Wallen"

Pg 9: Boat repair is allowed in commercial since automotive is allowed as it is related.

Pg 3: Change "It" to "In"; Pg 4: Bottom: "and change later or go back to subcommittee"

Pg 5: 3rd paragraph: "If it is moored on his property..." keep as one sentence.

Motion to approve the minutes as corrected by McKimmy. Seconded by Geddes. Motion carried.

Meetings and Announcements:

Cole and Merillat were reappointed by the Township Board through 2011.

Approval of Agenda:

Motion to accept the agenda by Geddes, seconded by Cole. Motion carried.

Public Hearing: Cell Tower-Lakeland Tower Leasing:

Lakeland Tower Leasing is requesting a special use permit to construct a tower on Alice and Larry Bary's property at 6585 Carin Hwy. N ½ of the SE ¼ Section 2 T29N, R9W.

Letters:

No letters and it was advertised in the Elk Rapids News.

Lakeland Tower Leasing (LTL) agent Bernard Yantz made a presentation. Lakeland Tower would like to build a 195-foot monopole. There should be no lights on it and it will hold six carriers. It will be back off the road in an orchard and will be well screened.

Geddes asked who has committed to the tower now. Answer: Cellular One has committed at this point. It is LTL's job to sell the remaining spaces on the tower. Geddes asked if this means the township would not be asked to put in a new tower. LTL said the tower should fill the gap. Geddes asked about any remaining gaps? LTL said there is a ridge that won't be covered, but the

only way to do that is from the other side of Torch Lake.

Cole said there were conditions on the tower on Sutter Road. Screening is not applicable. A performance bond, no lighting, allowing emergency services to use the tower at no cost: LTL said from 140 feet down, the space would be available. The only signage is on the fence with emergency numbers and all legal fees would be covered by LTL.

McKimmy asked regarding the performance bond. LTL said this would happen once the proper forms are filed.

Stilson asked regarding the closeness of the three towers. Why is another needed? LTL said it is because of the topography of the land that creates dead spaces.

Cole asked if this tower goes in and a carrier is located on two towers, would they have to cut back on their signals. LTL said yes.

Geddes asked about fencing. LTL said there would be cabinets at the base along with anti-climbing fencing.

McKimmy said some townships are lighting at 195 feet. LTL said that is a federal requirement from the FAA. Proximity to airports makes a difference.

Informational Questions:

Larry Smith asked about the height of the ridge on Sutter. LTL said it is about 220 meters or 660 feet. Sutter is 192-foot tower. The elevation is 260 meters.

Keith Termaat asked exactly where the tower is located. LTL pointed to the tower on the map.

All those speaking in support:

Dennis Irelan of Wallen Lane spoke in support.

Don Jennette of Ridge Road spoke in support.

Michael Wright of SW Torch Lake Drive spoke in support.

All those speaking in opposition:

No one wished to speak

The Planning Commission began deliberations

Geddes asked if the subcommittee has any issues. Merillat said they had no issues and it meets

all requirements of the ordinance. The only question was the bond issue.

Geddes said he has no issues.

Stilson said he did not understand the engineering of it, but after the topography explanation by LTL, he now understands.

Geddes said the tower is away from the road and not an eyesore and will help the community.

Luckett asked what is the life expectancy of a cellular tower. LTL said there are towers that are 60-70 years old, but it depends on the location of the tower. Technology would be the issue that would make the tower obsolete and this could happen in about 25 years. McKimmy said the performance bond would take care of tearing it down.

Larry Smith asked if the company were sold, would the bond go to the new company. McKimmy said this should be included in the bond.

Cole said he feels that the tower is needed in the community.

Luckett asked if there were any ground lights. LTL said there might be a night-light, but that technicians would bring their own lights.

Weinzapfel asked if the antennas would be higher than 195 feet? LTL said no.

Luckett said she appreciates the amount of work done by the applicant and the subcommittee.

The Planning Commission reviewed Ordinance 1906 B2. Luckett said those issues were covered in the application.

Motion to approve a Special Use Permit for LTL Cellular Tower, site plan of 5.16.07, with the requirements for a performance bond for demolition purposes and a public service antenna without charge, as well as legal review at the expense of the applicant for the performance bond to ensure the bond is structured to afford protection in perpetuity.

Motion seconded by Hefferan.

Discussion: The Planning Commission discussed having the tower in the AG Zone. Geddes asked about the cost of removing the tower 25 years from now. McKimmy said this tower is constructed in such a way that it would be much less costly than a more substantial wind turbine.

Roll Call Vote:

Geddes: yea; the application meets the requirements and the township will have better service.

McKimmy: yea; this is to resolve a void in the township.

Hefferan: yea; it complies with the current ordinance.

Cole: yea; it is necessary for communication and it meets the requirements.

Merillat: yea; based on the facts found by the subcommittee, it's less than 200 feet, it's a mono pole and the other locations and structures are not suitable.

Luckett: yea; it meets all the requirements and provides necessary service.

Stilson: yea; it meets the requirements of the ordinance in chapter 19.

Motion carried. 7-0.

Public Hearing: Lakeside 21:

Request for a rezone to the parcel southeast of Ancient Mariner boat storage from Manufacturing to Commercial. Property Tax ID 05-12-302-017-35, on Indian, Road, Kewadin.

No letters received and it was advertised in the Elk Rapids News.

There was no subcommittee recommendation to the Planning Commission.

Dennis Irelan submitted 47 letters in support:

Merillat read a letter in support from Ross and Laura Anderson.

Merillat read a letter in support from Eva Mulhonen.

Irelan submitted letters supporting the rezone from: Orin Oldenbecking; Ed Porter; Tammy Viglione; Ted and Joan Schneider; Mike Wright; Jim Foehr; Mike and Sandy Dorman; Dennis and Dora Topolinski; Joe Wertz; William Goodham; Richard Dronkowski; Candace Dronkowski; Ralph Steinberg; Robert Reiger; Jim Buckler; Donald Green; Ken Hollenbeck; David White; Georgianna White; James Zomberg; Randy Harlan; Lon Shreve; Susie Garrod; Neil Way; Jo Ann Overzet; Daniel and Shannon Stewert; Susan and James Mesrobian; Gerald Kilian; Bruce and Yvonne Banninger; Jerry DeMann; Herb Mayer; Scott Felker; James Garrow; Robert Garrow Jr.; Eric Rupert; Dana and Dennis Thayer; Elin Richardson; Max Merchant; James Coyne; Marjorie Nelson; Sandra Singleton; Kalvin Kinery; Eva Muhonen; Allen John; Dana and William Springton. The letters are attached and made part of the record.

Irelan gave a presentation:

Irelan submitted a map showing where the proposed re-zoning parcel is located. There is no other opportunity for commercial use in the Village Zone. 60 people have signed stating that they are in support of this. The Commercial Zone is intended for water related business. When reading through the permitted uses, boat repair is not in there. The plan is to have a boat service center at that location because the boats are being stored there.

Stilson said he has many questions. To the west is zoned R1, to the east is zoned AG, and south is zoned Village. Commercial is not allowed in a residential area. It is all houses around there and believes this would be spot zoning. Irelan said the Planning Commission approved the area for boat storage. Stilson said he does not feel that this is a compatible use.

Geddes said he read the spot zoning requirements. There are multiple zones in the area. Under the present zoning, someone could put in a manufacturing plant in that spot. That would be acceptable for the zoning. On the other hand, if we were to change it to a Commercial Zone, it is not clear that doing so then allows for boat service and repair operation because it is not clear that this is a direct correlation to automotive repair.

McKimmy asked if the property was contiguous to the village. Irelan said yes. McKimmy said if this were in the village, it would be allowed.

Luckett said a re-zone is needed if the property, as zoned, could not be reasonably used. Her issue with this was that the subcommittee meeting was a fishing expedition. Nothing came out of the committee regarding a recommendation. Luckett said she feels the cart was put before the horse. There should be some initial criteria that should be satisfied before a subcommittee is formed.

Irelan said the reason he asked for the meeting was to get some direction on the property. The only place to put these commercial activities is either in a gravel pit or Camp Maplehurst. No one he talked to was against the plan. He feels the problem is the ordinance, not the plan.

Luckett asked how he talked to people. If it's zoned commercial, it can be many different things, not just a boat repair facility.

Irelan asked where to put water related businesses. Stilson said in the Village Zone.

Irelan said the likelihood of someone buying the property and using it for manufacturing is slim to none.

Cole said the history on the Manufacturing Zone was that it was required that the township has one. This was the best place to put it. We did not want warehousing and storage in the Village Zone. The Planning Commission has not really evaluated what activities should go on in a Manufacturing Zone. Cole said maybe this should be considered before doing any re-zoning.

McKimmy said this area's zoning history is very confusing. The history makes him want to deny the red-tape issues that have come up. The history is so confused; our zoning does not give us a chance to straighten it out. We do not want manufacturing in the village. This land is contiguous to the Village Zone.

Irelan asked regarding outside boat storage on Indian Road. Cole said this has been there longer than our restrictions against it.

Irelan said this rezoning makes sense to him. Irelan said regarding spot zoning in his opinion, this is not an inconsistent use and is not spot zoning.

Information Questions:

Keith Termaat asked to have the different zoning areas pointed out on the map.

Mike Wright said this rezoning would make good common sense to keep the money within the community. If it was not needed it would not be proposed.

Don Jennette is requesting to have the boat service facility. He already has a facility on Birch Lake Road and has run out of room.

Those speaking in support:

Mike Wright spoke in support.

Don Jennette spoke in support.

Neil Way of Eagle Way Lane spoke in support.

Those speaking against:

No one wished to speak.

The Planning Commission began deliberations.

Geddes said he does not know the history as well as others. He is surprised that the township approved warehousing in the Manufacturing Zone. With the property's current zone, we are limited in its uses. We have a long list of what's acceptable in the Commercial Zone and those things would be acceptable across the street. It's a mixed up zoning area. We have a compatible use with the boat repair facility. He is not troubled by it. It's a better use than manufacturing. If we agree to change it, will that then allow boat servicing? It's not a listed use.

Cole and Geddes talked about "water related business" allowed in the Commercial Zone. Cole said he does feel that the area is appropriate for the use. Traffic would be more limited if it were kept all in one place. Cole does have a problem with the rezone because the area is mixed with its current zoning. The Manufacturing Zone text may need to be amended, rather than re-zone the area. It is something that should be evaluated.

Hefferan said he is conflicted. He does not see it as an inconsistent use for the area. He would like to support local businesses, but he does not believe he should consider a site plan as part of a re-zone request. He is concerned about other commercial uses.

Merillat said if it were rezoned, there would be five zones in the area. The future land use map does not support this and if you look at the master plan, it wants to help small business, but direct

future commercial uses to appropriate places in the township. He agrees that boat repair is a compatible use. Cole is on the right track. It would be more appropriate to amend the Manufacturing Zone wording. The property can be reasonably used in its current zone. On spot zoning, it could be argued either way.

McKimmy said perhaps the Manufacturing Zone language should be reevaluated. But in trying to keep small business, would we rather have this business in our other village areas taking up space that could be used for other things?

Luckett said when reviewing commercial language, we cannot look at one specific use that's proposed. We have to look at all possibilities. According to our ordinance, a sexually oriented business could be allowed if this were rezoned. Boat repair is logical, but we cannot limit our discussion to a boat repair shop. Luckett said in a perfect world, this could be addressed in a PUD.

McKimmy said there is not enough acreage for a PUD.

Weinzapfel said the issue at hand is a re-zone from Manufacturing to Commercial. What is proposed to go in the area does not matter. You have to look at the zone itself.

Motion by McKimmy to table this re-zoning issue. If we table, we can work through the subcommittee to look at the issues that have come up.

McKimmy's motion did not get a second.

The Planning Commission discussed tabling versus voting.

Motion by Stilson to deny the request to rezone from Manufacturing to Commercial Seconded by Luckett.

Discussion: McKimmy asked about what yea or nay votes will mean.

Roll Call:

Merillat; yea: I do not believe this is supported by the Master Plan or the Future Land Use Map. All uses allowed in the Commercial Zone are not appropriate for that area. The right action is to amend the uses allowed in the Manufacturing Zone.

Hefferan; yea: it is a piecemeal zoning plan that does not comply with the Master Plan.

Cole; nay: this is not true spot zoning. The uses would be compatible. It is a mixed-use area. No commercial uses would be objectionable there.

McKimmy; nay: making it commercial would be similar to the Village zoning.

Luckett; yea: There are commercial uses that are not appropriate and it could be used for any of those operations once it is rezoned.

Geddes; nay: for the reasons cited by McKimmy and Cole. Commercial is supposed to support

water related business and would support the surrounding business.
Stilson; yea: it should not be a rezoning issue. It is not compatible with the area.

Motion carried. 4-3.

Ordinance Review Subcommittee:

44 total meetings to date. The next meeting date is scheduled for December 18th at 9:30am. PUD Overlay Zone chapter has been completed. Limitation of Boat Dockage ordinance amendment will be included in Proposed Ordinance once fully approved. Presently addressing open issues.

Signs Subcommittee Report:

The committee has met twice and has since decided to re-structure everything they have done so far. Right now, they are looking at Long Lake's ordinance. Next meeting is December 17 at 8:30am.

Wind Turbine Subcommittee Report:

Working on drafting language and the next meeting is December 17 at 6 pm.

Set Meeting Dates for 2008:

Planning Commission will meet during 2008 on the second Tuesday of the month at 7 pm.

Election of officers will take place next month.

Discussion about forming a subcommittee to review the language of the Manufacturing Zone.

Meeting adjourned by order of the chair at 10:05 pm.

Respectfully submitted,

Joseph Merillat
Secretary