

Milton Township  
Planning Commission  
Approved Meeting Minutes  
June 12, 2007

Members present: Chairman Stilson, Lockett, Hefferan, Geddes, McKimmy and Merillat.  
Also present: Wenzapfel and 12 audience members

Members absent: Cole

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

Approval of meeting minutes of May 8, 2007.

Pg 5. Add "non high performance airplane; Add the plane "may" use auto fuel;  
Change "of" to "over"

Motion by Hefferan, seconded by Lockett to approve the minutes as corrected. Motion carried.

Meetings and Announcements:

Amendments 07-01 and 07-03 were passed by the Township Board.

Land use planning in TC.

MTA Summer Evening zoning workshop.

A Day at the Bay.

Motion by McKimmy, second by Hefferan to approve the agenda as presented. Motion carried.

Continuance: Private Airstrip Special Use Permit

Motion by Merillat to re-open the public hearing for continuance. Seconded by McKimmy.

Motion carried.

Stilson gave the prior history of the project and the prior meeting

Last month a continuance of the public hearing was made based upon the failure of the ZA to comply with the 300 FT notice requirements, so as to complete public input and deliberate the decision. This is permitted by ordinance under chapter 6A AG Zone Section 117.604 Uses permitted by Special use #7. Private airstrips or private landing strips. Last month, letters in support and opposition were read, then those speaking for and those speaking against were heard. Sean Malone property at 124 Hickin Rd consists of 47 acres, runs from Hickin to Stallman Road.

Merillat read a letter in support of the Special Use Permit from Dennis and Barbara Farmer.

Malone gave a presentation regarding his proposed project.

Doug Strang asked regarding decibels and how the discussed projections related to the noise of a lawnmower.

Jerry Mensing asked about the direction of the landing strip, does he have to get FAA approval. No, it's not used for commercial purposes.

Jerry Mensing asked where the fuel tanks would be. Malone pointed it out on his site plan.

Jerry Mensing asked if the fire department would be prepared to handle a crash. Malone said the plane carries no more fuel than a car.

Barbara Targel asked if he crashed in the woods, would it start a fire? Malone said yes. It's possible.

Barbara Targel asked regarding the direction he would be flying on the strip. Malone said this would be decided by the conditions of the day.

Keith Clark clarified that flying would only be daylight hours. He asked if there are any obstacles at the end of the runways. Malone said there are wires that he would have buried.

Keith Termaat asked if there would be a homing beacon. Malone said no because all of his flying will be during the day and it will not be a public strip.

McKimmy asked regarding liabilities and if the township is liable if there is an accident. Lockett said it is a permitted use, so she does not see any liability. Malone said he would not be out in bad weather.

Geddes asked regarding the limitation of 15 flights per week. These would not bank if they are not used up in one week.

Barbara Targel said she owns 40 acres beside Malone's property and she does not feel this is a good use for the property. She feels it would be a disruption to her private property.

Jerry Mensing said he hears planes all the time.

Doug Strang asked why there are restrictions on the number of take offs and landings. Geddes suggested no more than an average of a number on a monthly basis.

All those speaking in support:

Joyce Grammar of Elk Tip Drive said she is in favor of the landing strip.

William Beachill of Elk Tip Drive spoke in support of the landing strip.

Doug Strang spoke in support of the landing strip

Jerry Mensing said he is in support of the landing strip.

Those speaking against:

Barbara Targel of Stallman Road said she will not feel safe in her home. She is opposed to the

project.

Stilson closed public comment and began board deliberations:

Luckett discussed the condition of 15 take offs and landings per week and how the board came to the number. It was an agreed upon number with Mr. Malone.

McKimmy said he hates to see us impose limitations such as this because there will be so few times he will be able to fly. Geddes agrees. We do not restrict how people can use their boats or motorcycles.

Merillat said Malone will be flying over people's property. This special use is not for Mr. Malone; it is for the property. It would behoove us to have a limitation on there in case someone else moves in.

Hefferan said he is comfortable with the specific number of takeoffs and landings.

McKimmy asked regarding the impact on the values of neighbor's property  
McKimmy also asked regarding the preferred orientation of the airstrip and if the township is liable if something happens because it is not the preferred orientation.

Hefferan referred to the evaluation of property values on the previous airstrip that was done in the township.

Merillat asked regarding #5, it should be a low performance engine. Why are we requiring a fixed landing gear? Hefferan said non-fixed landing gear is a higher performance plane.

Where will approach and landing plan be stored? Luckett said it could be kept with his logbook.

Merillat said he feels it's a mistake not to have a decibel level requirement.

Geddes said at that point, you need to specify the conditions, which you are taking the measurement. It would be very difficult to take an accurate measurement.

Geddes said if there is a limitation on the number of flights, if it's a fixed number, should it be an average? Merillat said it's a fixed number. If Malone would like to revisit the issue, the board can always do that.

Geddes said he would prefer it would be an average of 15 flights per week rather than a fixed number.

Weinzapfel discussed liability. He will follow up with legal if necessary, but he doesn't feel the township is liable.

McKimmy said he is not satisfied with the answers he has gotten regarding immunity and the governmental taking of property. Weinzapfel said he will look into it, however it sets a precedent.

Geddes said he would be more comfortable with 60 per calendar month, rather than 15 per week.

Hefferan said taking that to the extreme, which could be 60 flights in one day.

Weinzapfel asked regarding the condition regarding an invited guest.

The board discussed the issue of restricting the number of flights per week.

Motion by Hefferan, seconded by Luckett pursuant to section 117.604 to approve Sean Malone's request for a special use permit be granted subject to the following conditions:

1. A logbook shall be maintained on site by the applicant.
2. Flights shall occur during daylight hours only. "Night" being defined by FAR section 1.1 as "...the time between the end of evening civil twilight and the beginning of morning civil twilight, as published in the American Air Almanac, converted to local time."
3. No landing lights of any kind are permitted.
4. The airstrip is for personal use, with the occasional invited guest.
5. Any aircraft using the airstrip shall be non-high performance with a fixed pitch prop, a fixed landing gear, and a maximum of 180 horsepower.
6. No more than 15 flights from the airstrip ("flight" means one takeoff and one landing) per week.
7. Mr. Malone shall add and/or maintain greenbelt areas between property owners to the west and east.
8. The airstrip must be clearly marked.
9. There must be a designated aircraft parking area.
10. Approach and landing plans shall be on file with the logbook and maintained on site by the applicant.
11. The airstrip must comply with any federal and/or state requirements for a private grass airstrip.

Roll Call:

Geddes: yea; based on this being a permitted use in AG zone. Conditions are reasonable.

McKimmy: nay; because he is concerned about the direction of the landing strip and the liability of the township.

Luckett: yea; based on the permitted use and extensive discussions in subcommittee.

Merillat: yea; based on the permitted use under special use. The conditions are reasonable to protect the public.

Hefferan: yea; it is a permitted use under 117.604 and it's a good use of open space.

Stilson: yea; it is a permitted use. It's a good use of open space it follows the subcommittee

recommendations.

Motion carried 5 yea, 1 nay.

#### Signs Subcommittee:

The subcommittee is running into problems because one member wants large signs and one wants smaller signs. At this time, the subcommittee is requesting direction from the board. The subcommittee is recommending 24 square feet as opposed to 50 sq feet. Geddes said his issue is in regards to scale of the business.

Luckett said she feels every business should be treated the same.

Luckett said there has been the consideration of having an architectural committee to review signs. Geddes said he doesn't think we have problems today. Luckett said she feels Cole believes that we should be dealing with the sign congestion of the future. Luckett asked that board members comment on the proposal.

The board will review this again next month.

#### Boat Spaces Subcommittee Report:

Tom Cole has submitted his report in writing as he is out with back problems.

Motion by Merillat to hold a public hearing July 10 to consider the boat spaces language dated 6-12-2007 This will be amendment 07-04. Seconded by Hefferan. Motion carried.

Ordinance Review Subcommittee: Update given by Bill Geddes in a report dated 6/9/07. There are currently 11 open issues. The committee is working on the PUD.

#### Manufacturing Zone Subcommittee Report:

The issue began with Bill Hutchcraft attempting to refinance his home because it is in a manufacturing zone. The subcommittee looked at how the homes got into the zone to begin with. Banks and insurance companies do not look favorably at residences in the Manufacturing zone. Doug Strang has presented a proposed solution Three maps of the MF Zone: past, present and future. These maps are dated 6.9.07. The board discussed the most efficient way to deal with the problem of rezoning multiple parcels

McKimmy asked Weinzapfel regarding changing the zoning as a single project. Weinzapfel said he is uncomfortable because not all of the board has read the information. Geddes said he has read the info and he does feel comfortable.

McKimmy recommends taking both issues to a public hearing; Doug Strang's clients and Bill Hutchcraft would be separate public hearings. Luckett said she sees no point in separating the two issues.

The board discussed the initial reasoning for the MF Zone.

Motion by Lockett to call for a public hearing regarding parcels 05-12-302-01700, 05-12-302-017-40, 05-12-302-017-10, 05-12-302-013-00, 05-12-302-012-15, 05-12-302-012-25 currently zoned light manufacturing be rezoned to R1. Amendment 07-05. Seconded by Hefferan. Motion carried.

Motion by Lockett to call for a public hearing on parcels 05-12-302-018-00 currently zoned light MF be rezoned AG. Amendment 07-06. Seconded by Geddes. Motion carried.

Hillside Acres: William Bechill said he has a lot next door that he owns, but doesn't have a deed on it. He would like to sell it now and he would like a deed. The lot number is 10. This is a platted sub division. This area is zoned R2, which requires 150 feet throughout. This lot does not meet the required lot width to be split. A rezone would be required.

This issue will go to subcommittee: McKimmy, Geddes, and Hefferan. The subcommittee will meet Monday the 18<sup>th</sup> at 5:30 pm.

The meeting adjourned by order of the chair at 10:24 pm.

Respectfully submitted,

Joseph Merillat  
Secretary