

Milton Township
Planning Commission
Approved Meeting Minutes
May 8, 2007

Members present: Stilson, Cole, Lockett, Hefferan and Merillat

Members absent: Geddes and McKimmy

Also present: Weinzapfel and 17 audience members

Stilson called the meeting to order at 7:03 pm.

Approval of past minutes dated April 10, 2007:

Pg. 3, remove apostrophe; Pg. 3, correct "Strang"; Pg 6, item 23, add "This requirement may be reconsidered under a new ordinance."; Pg 7, the ramp is for boat hoists, not boats.

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

Meetings and Announcements:

1. Northwest Council of Governments.
2. Seminars for Land Use Planning.

Acknowledgment: Geddes could not be present but he did send comments for tonight's meeting and documents related to the zoning ordinance review subcommittee.

Approval of Agenda:

Remove Sign Subcommittee Report.

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

Amendment 07-01 Private Cemeteries Special Use Permit:

This issue was tabled from last month's meeting.

Motion by Merillat to remove the issue from the table. Seconded by Cole. Motion carried.

The board resumed deliberations.

Stilson asked if "must meet State requirements" should be in the amendment. Merillat feels this is assumed. Weinzapfel said if the board wanted to add this, it could not be done tonight because it was not advertised as such.

Motion by Stilson to amend the Ag Zone to allow for private Cemeteries under special use permit. Seconded by Hefferan.

Roll Call:

Cole: yea; This amendment will bring the township in line with state law.

Merillat yea; Based on the current allowance for this in the state law; the AG zone is most appropriate place for these and it would be done under a special use permit which allows oversight by the township.

Luckett; yea; Based on the requirements of the special use permit which allows oversight by the township.

Hefferan; yea; Based on the current state law allowing private cemeteries.

Stilson; yea; Based on the current state law allowing private cemeteries.

Motion carried 5-0.

Amendment 07-03 Sentinel Ridge PUD:

Larry and Corky Smith are requesting a change from the current zoning to a PUD permitting for the development of a five-unit single-family site condo at tax number -5-12-419-002-70. The property is located 1.25 miles north of Campbell Road and NW Torch Lake Drive intersection.

No members have a conflict of interest.

There was no communication regarding this issue. The hearing was properly noticed.

Doug Strang, the owner's agent, made a presentation. He clarified what a PUD is and how it applies to the current ordinance. There will be a shared waterfront access. It will be gated. There will be a launch ramp for winter and summer installation of shore stations. It will be on a common sewer system that will be governed by the association. The Antrim County Road Commission has approved both entrances. The radius on the cul-de-sac will accommodate any emergency vehicle. There will be considerable cuts and fills to create the roads. There are provisions for storm water control. The water will be filtered before it goes into Torch Lake. There will be a green belt.

Tim Dietlin asked about the sewage transfer and how close it would be to his property line. Strang said it would be 10 feet from his property. All pump systems will shut down if there is a malfunction. The sewer will be bonded with the township in case there is a problem with the system and the association failed. The grade is also sloping away from his property. If there were a rupture in the line, it would be repaired before it could contaminate the nearby area.

Stilson clarified the road grade with Strang and Strang provided a site plan showing the grade calculations. The slope now is between 7 and 25 %. There is one spring and there was a French drains put in to deal with that.

Lot size will be about .75 acres.

Keith Termaat asked regarding the septic treatment. Strang said the treatment would be done at the house. Then, it is pumped back through the line at least twice a day. This is an extended stabilization system. In the homeowners association, it will manage the pumping.

Sentinel Ridge would like to have 12 boats.

Hefferan asked to comment on the 15 foot shore ramp. Strang said it is tapered due to the slope. It is not concrete. It will be geo-fabric that will be used to stabilize the turf. It will be green.

Keith Termaat asked if they considered taking the septage to a treatment plant. Strang said the TC facility is not worth a darn and they cannot accommodate what is required now. The cost would be too great to pass along.

Cole asked regarding the 12% grade. Is this an average over 100 feet? Strang said this is the max grade. At no point does it exceed 12%.

All those speaking in support:
No one wished to speak

All those speaking against:
Mark White of Sutter Road said the area is very heavy clay ground. The area does not need any more subdivisions. All the wildlife will end up on his farm.

The board began deliberations.

Weinzapfel clarified that the property tax number ended -70. The township attorney will review the multi user septic system.

This is a recommend use by the master plan to encourage open space.

Cole said that at no point would the road have a greater than 12 percent grade.

Hefferan asked if the fire department had any issues with the grade. Weinzapfel said because this is a PUD, fire department approval is not required.

Cole said there should be a 25 foot buffer strip at the lake. Strang said this won't be a problem.

Cole feels comfortable with the 30-foot front yard setback since it is a private road with 5 residences.

Cole asked regarding 12% grade on a PUD versus 10% grade on non-PUD. Strang said there are many county roads that are above 12%. Strang said he does not think this should be a problem. This is a county road ordinance that has been adopted in this township. It is not really appropriate for a residential development.

Hefferan said that he does not feel confident with Strang's determination that he "thinks" a fire vehicle will make it up the hill. Strang showed the board the difference between a 10 and 12 percent grade using a demonstration piece. The 12 percent grade stretch would last about 400

feet.

In the recommendations, Cole asked that it be added stating that the green belt at the water would be maintained.

Cole and Stilson discussed the number of boats. 10 follows the current ordinance. 12 follows the new, proposed language.

Luckett and Weinzapfel discussed the PUD zone.

Merillat asked if the most recent site plan was dated March 28, 2007. Yes.

Statement of intent dated April 10, 2007, to include Sentinel Ride Guidelines.

Septic system will be reviewed by Township Legal Council as well as all documents pertaining to the PUD.

Motion by Cole, seconded by Luckett to approve the Sentinel Ridge PUD based on the facts as outlined in the staff report and the subcommittee reports dated April 4 and March 28, 2007, and the application dated March 28, 2007. All documentation regarding this PUD will be reviewed by the township attorney at the cost of the applicant.

Seven special conditions were granted:

1. Lot size.
2. Road grade not to exceed a max 12% at any point.
3. Front building setback is a min. of 30 feet.
4. The access to the shoreline is 15 feet for boat hoist removal.
5. A 25 foot vegetation zone will be maintained when creating an 11 vehicle parking lot.
6. Approval is subject to a soil erosion permit.
7. Multi user septic system to be included in attorney's review of documentation.

Roll Call:

Merillat: yea; Based on the Master Plan. The PUD has over 50 percent open space and no more houses than would be allowed in the AG zone.

Cole: yea; Based on the density, it agrees with the master plan for clustered housing.

Hefferan: yea; Based on its agreement with master plan and open space and keeping with the character of the rural area.

Luckett: yea; Because it complies with the zoning ordinance. It is also consistent with the master plan and much of the natural topography is retained.

Stilson: yea; Because it meets the PUD requirements.

Motion carried: 5-0.

Special Use Permit: Private Airstrip:

Weinzapfel said he made a mistake regarding notifications of those within 300 feet. Some people were not notified (those directly across the street on Stallman). At this time, the intent is to open

the meeting and have the public comment portion of the public hearing. Public comments will also be made at next month's meeting.

This is a permitted use by Ordinance under chapter VI "A" Agricultural Zone Section 117.604 Uses permitted by Special Use #7. Private airstrips or private landing strips.

The special use permit was advertised in the Elk Rapids News

Merillat read a letter in opposition to the airstrip from Mr. & Mrs. Harms of 12663 Hickin Road.

Merillat read a letter in opposition to the airstrip from John Vanhook and Linda Winkler-Prins of 12663 Hickin Rd.

Merillat read a letter in opposition to the airstrip from Don and Joanne Decker of 12350 Hickin Road.

Merillat read a letter in opposition to the airstrip from Barbara Targel, of Stallman Road.

Merillat read a letter in support of the airstrip from Jo and Bobby Woods of 12646 Hickin Road.

Sean Malone gave his presentation:

The strip would be 1500 feet long and 80 feet wide. He has 16,000 hours logged flying. He flies for DHL. The airplane the people were discussing in the letters was a variable pitch prop plane. The type of airplane he would like is a fixed pitch plane, which will create much less noise. He produced a chart showing decibel ratings. He is gone 16 days per month. This would be for his use only, unless he had a friend with a non-performance engine airplane who could stop by. This is just a form of recreation, like boating or dirt biking. He showed pictures of the possible planes he is looking at purchasing. Malone produced a chart showing decibel levels for farm machinery and other recreational machinery. Malone said he can change the pattern of his takeoffs and landings so that he is not flying over any one person's house more than necessary.

Stilson asked about the distances from different houses.

Malone discussed his timeline. He anticipates building the hanger next year. This would look like a pole barn and would match the house and barn. He could have a couple hundred gallons of fuel on site above ground. The plane ~~would~~ may use auto fuel.

Paulette Termaat asked where his house is located in relation to the strip. She also asked who else could land. He would like a friend to be able to stop by if they met the requirements.

Mary Beth Vandenburg asked if there was any discharge from the plane. Malone said just exhaust.

Katherine Vermirsh asked if there were any regulations keeping him from buying a higher HP

plane. Yes. He would have to come before the township to ask permission for that.

Patty Greiner Ash asked if he would ever have a fly in. Malone said no. His insurance would never allow it.

Mary Beth Vandenburg asked what it would look like. Malone showed on his chart.

Katherine Vermirsh asked if he were a nearby property owner, asked if it would lower the value of neighbor's property. Malone said he did not think it would lower the value.

Those speaking in support:

Carolyn Royal of Hickin Rd is the closest one to the airstrip. There is noise here. Snowmobiles, ATVs, etc. She would like to have an airplane next door rather than dirt bikes. Much depends on the person with the permit. The prior owner was not considerate. Sean is a quiet, considerate, responsible family man.

Patty Greiner Ash of Stallman. Malone is a very responsible citizen. She can hear the water plane that lands on Elk Lake. They fly over her house at least twice a day in the summer. The noise factor is double what Sean wants. This is not a quiet neighborhood to begin with in the summer. She supports the proposal.

Joyce Grammar of Elk Tip Drive is in favor of the airstrip. She finds the airstrip exciting. It's a novelty.

Keri Thomas lives close to the strip and is in support of the airstrip. She asked how much of the strip he would actually need to take off. About a quarter.

Katherine Vermirsh said the Elk Lake sea plan makes a lot of noise. She is against the idea because the area will become more populated.

Patty Greiner Ash said there is no guarantee on the actions of one's neighbors.

Joyce Grammar said that the Torch Port airstrip is a public airstrip and she rarely sees a plane taking off or landing.

Mary Beth Vandenburg is in favor of the airstrip.

All those speaking against:

No one wished to speak

Motion by Cole for continuance of this hearing at the June 12, 2007 planning commission meeting based upon the failure of the ZA to comply with 300 ft notice required by state and township law. I ask that ZA complete the 300 ft notice so we may complete public input and deliberate the decision. Seconded by Stilson. Motion carried.

Special Use Permit: Creative Cover's and Trim:

Joe Wagner has made a request for a commercial boat and auto upholstery business within the village zone. This is permitted by special use according to the ordinance.

This was advertised in the Elk Rapids News and no correspondence was received.

Joe Wagner gave his presentation:

He has many years in the business of upholstery. It is a needed service for the community and he looks forward to being a member of the community. His company does boat covers, tops and upholstery. Typically, most jobs dropped off on a Monday would be delivered by week's end. Finished boats would be placed out front as a means of advertising. Outside storage would be no more than 8 and it's in his best interest that the boats do not sit for long. Wagner produced a chart showing where the boats would be parked. He would be replacing the existing sign as well as putting a sign on the building.

Stilson asked about cars. Wagner said if he did a car, it would be kept inside.

Cole asked regarding the distance from nearby homes.

Karen Husband asked if there were any employees. Wagner said one secretary and one part timer.

Mike Husband said there was a discrepancy on the north side property line. Wagner said he would not be using that side of the building.

Hefferan recused himself from the procedure because his uncle owns the building.

Those speaking in support:

Joyce Grammar of Elk Tip Drive supports the business because the area could use this type of business.

Those speaking against:

No one wished to speak

The board began deliberations:

This is a permitted use. The master plan supports the use. Stilson requested an updated site plan.

Cole said he understands wanting to have finished products outside as advertising, however, he wants to make sure this is kept to a minimum so that if someone else comes in and decides to use the property and keep more boats on the property.

Wagner does have alternate storage space if it were to become necessary.

Cole asked if he felt 8 boats would be reasonable. Wagner said yes.

Merillat asked if the Special Use Permit for Trademark Floor and Tile should be revoked. Weinzapfel said no. This new special use would take precedent over the last one.

Motion by Cole. Seconded by Stilson to approve the special use permit for Joe Wagner, owner of Creative Covers & Trim at -5-12-311-064-00 on site plan dated 5/8/07. With the following conditions:

1. A maximum of eight boats stored outside on the south side of the building.
2. Must maintain 50-foot setback from Cherry Ave road right of way.
3. No activity to the north side of the building.
4. Units on the property are awaiting service or pick up only.
5. Must comply with all township ordinances.

Roll Call:

Merillat; yea; This is allowed in village under special use. Master plan supports small business within village. Restrictions will be in keeping with village zone.

Cole: yea; Commercial is encouraged in the village zone and it will be a good addition to the village.

Stilson: yea; based it's compliance with the zoning ordinance.

Luckett: yea; because it complies and is allowed in the ordinance. It is supported by the master plan and it's a welcome addition to the community.

Motion carried: 4-0.

Bill Hutchcraft of 6757 Birch Lake Road. In having his house appraised discovered that his house is in the manufacturing zone. He produced a map showing his home and the surrounding zones. He would like a re-zone of his property from manufacturing to R1. There are other people affected by this manufacturing zone.

The issue will be referred to a subcommittee of Merillat, Luckett and Stilson. It will meet May 14 at 1 pm.

Motion to adjourn by order of the chair at 10:58 pm.

Respectfully submitted,

Joseph Merillat
Secretary