

Milton Township
Planning Commission
Approved Meeting Minutes
May 10, 2011

Members present: Merrillat, Hefferan, Kingon, Chairman Stilson, Cole, Lockett and Kopkau.

Also present: Weinzapfel and 4 audience members

Stilson called the meeting to order at 7 pm.

Approval of past minutes dated April 12, 2011:
Remove apostrophes in Dolembó's name.

Motion by Hefferan to approve the minutes as corrected. Seconded by Kingon. **Motion carried.**

Meetings and Announcements:

June 15 at Treetops: Hot Topics in Planning and Zoning.

ZBA Update:

Kingon will take Lockett's place as the Planning Commission's member of the ZBA.

Township Board Update:

Cole reported that Kingon was appointed to the ZBA.

Agenda:

- Bed and Breakfast Public Hearing
- Ordinance Review Subcommittee
- Point of Sale Septic
- Possible subcommittee for rental issue

Motion by Lockett to approve the agenda as presented. Seconded by Cole. **Motion carried.**

Bed and Breakfast Public Hearing:

Thomas and Marie Dolembó are requesting a Special Use Permit for a bed and breakfast at 5360 Quarterline Rd., Kewadin, MI 49648. Parcel #05-12-535-066-40. Current zoning is AG. Surrounding property: North, farm; South, vacant and home; East AG and home; West, home and gravel pit. Commission has zoning application, Health Department Report, and Subcommittee Report. Subcommittee members were Lockett, Kingon and Hefferan.

Chairman Stilson discussed the procedure for a public hearing.

No one had a conflict of interest.

Merrillat said it was advertised in the Elk Rapids News April 21, 2011. There were no letters

received.

Marie Dolembro gave a presentation: They have a 100-year-old farm house. They want to use 3 upstairs bedrooms for the public spaces. It will be open from mid-May through mid-August.. They have plenty of parking. They want to have a sign advertising Paradine Creek. They will be serving baked goods and beverages for breakfast.

No questions from the board members. No questions for information from the audience.

Subcommittee Report from Lockett:

Handicap accessibility is not an issue. It is not required by the county Building Department. The township Fire Department will review placement of fire alarms and fire extinguishers. The Fire Chief will sign off on that and it will be in the file.

Cole asked where the residents would sleep. Marie said she and Tom will sleep on the first floor. They will be living on site.

Persons wishing to speak in support:

No one wished to speak

Persons wishing to speak in opposition:

No one wished to speak

Stilson closed this portion of the hearing to begin board deliberations.

Board Deliberations:

Cole asked Lockett regarding signage. According to the current ordinance, it will not be lit and it will not be in the road right of way. It will conform to current regulations. Cole asked if we should look at the new ordinance in terms of the sign since this is a special use permit and we can add on extra requirements. Currently it will not exceed 4 square feet. Hefferan said he struggles with this. We are working on a new proposed ordinance, but it is just that. We should operate under our current ordinance. The proposed sign meets both the current ordinance and the new ordinance being worked on. The subcommittee report and the staff report are quite thorough, according to Stilson.

Weinzapfel mentioned the zoning requirements on the staff report. The Health Department recommended a pump out and then be on a schedule of pump outs every 3-5 years.

Motion by Cole to approve the Special Use Permit based on the facts found by the subcommittee on March 15, 2011 and the Staff Report for the Dolembro Bed and Breakfast based on 117.103, Bed and Breakfast Establishments; 117.601; 800 and 900 zoning district sections; 117.1807 Special Use Provision; Additional Site Plan Requirements 117.1808(1); Site Plan Review 117.2000, pending written approval from the Milton Fire Department on location of fire alarms and fire extinguishers and following the recommendations of the Health Department of

Northwest Michigan letter dated March 25, 2011. Seconded by Kingon

Discussion on the motion: Hefferan asked if the motion requires them to follow the Health Department Recommendations. No. These are just recommendations.

Roll call vote:

Kopkau: Yea; it is a good plan.

Kingon: Yea, serving on the subcommittee he was impressed with the applicants and their thoroughness.

Cole: Yea; the owners have done everything to meet our requirements from the Health Department and the Bed & Breakfast section of the ordinance.

Merillat: Yea; it meets the ordinance 117.1808.

Luckett: Yea; it is a use allowed based on 117.600 and satisfies the requirements of 117.808.

Hefferan: Yea; it is in keeping with the Master Plan in that it promotes small business and benefits tourism and does not alter the neighborhood.

Stilson: Yea, everything was well put together and thorough.

Motion carried 7-0.

Ordinance Review Subcommittee Report:

Cole reported that the subcommittee met on April 25th. There are a few issues pending. Cole will meet with Weinzapfal on Thursday to send the latest changes to Jay since Weinzapfal missed the meeting on the 25th.

Keith Termaat presented information from the MDEQ regarding the definition of high water mark. The DEQ has asserted its authority saying it will not accept the lines determined by the ZA for Lake Michigan. Regarding inland lakes, rivers and streams, the line may be determined by the ZA. This according to an email from Marcy Knoll of the DNRE dated May 10, 2011 sent to Karen Ferguson.

Stilson would like to get everything incorporated and then have a work session to discuss the open issues. Cole said on page 216 there is a diagram of how the DEQ establishes the high watermark. This is easy on inland lakes. The problem comes on the Great Lakes. If the DEQ determines the line higher than what we said, there will be issues. The same will hold true for the shoreline protection strip. Stilson said the township attorney's opinion is to stay with the status quo.

The other thing that needs to be looked at is percentage of lot coverage. This is 117.1603. This needs review by the board members. It is basing an accessory building size on the size of the home. Cole wants to evaluate the original intent. How does this relate to substandard lots? Hefferan asked if this was to keep a garage from going in front of a house. No.

There is an SOB ordinance that needs to be modified for Milton Township. Merillat said we should get this started so it can go through the attorney. It should be passed at the same time as

the new ordinance.

Point of Sale Septic:

Stilson said he invited the township board to the Open Forum May 23 at 7:00pm on this proposed ordinance. Kingon discussed the people who would be at the meeting. It will start with a presentation. Then they will open it up to questions about the ordinance. Then, there will be open comments. There will be a report to bring back to the planning commission and then it will decide to proceed or not.

Possible Subcommittee for Rental Issue:

Weinzapfel discussed the Wilderness Bay Condos. One of the conditions of approval was rentals were not permitted. Apparently, there have been weekly rentals going on. All of the units have been sold and weekly rentals are still going on. A notice of violation has been sent to them. They would like to come back in and amend the Special Use Permit to allow weekly rentals. They purchased the unit with the understanding that weekly rentals were allowed. Weinzapfel would like a subcommittee to review the situation. Weinzapfel said with the conditions on the lot, it will be hard to get weekly rentals especially if the association cannot get together to request this. One of the units is not in favor of it. There is no application currently. Stilson appointed Kopkau, Hefferan, and Luckett to the Wilderness Bay Condos subcommittee with a meeting date yet to be determined.

Bob Olephant discussed the proposed ordinance and the shoreline protection strip. He would like to build a ramp that is 20 feet. Currently, the ordinance allows 12 feet. When does the board anticipate having this completed? Cole said hopefully this fall. Hefferan said we have been working on this for the past five years. The commission cannot give a definite date.

Meeting adjourned by order of the chair at 8:55 pm.

Respectfully submitted,

Joseph Merillat
Secretary