

Milton Township
Planning Commission
Special Meeting
September 17, 2025
7:00 PM
7023 Cherry Ave. / Kewadin, MI

1. Call meeting to order. Note members, present, absent, or excused.

Members present: Peters, Renis, Hefferan, Warner, and Standerfer and many audience members. Also present: Sarah Kopriva and Jen with Becket and Raeder.

Members absent: Joe Merillat, Bob Ford, excused.

2. Public Comment

Brett Pharo provided comments on the PRD regarding this application. This application is to put a PRD on a 6 acre parcel on Chippewa Trail. Per this ordinance, the parcel size shall be between 2-5 acres. This parcel size doesn't meet the ordinance requirements. The applicant said he intends to develop five acres but that doesn't change the ordinance requirements. This is recorded as a six acre parcel. According to this ordinance, the maximum dwellings would be 3. The minimum 50% of PRD is open space. I'm not sure what the applicant is proposing, but if he's proposing the backyards as part of the open space, I don't know if that is the intent of the ordinance. This application doesn't fit this ordinance.

Tony Martino said the zoning amendment that was passed to allow this. We need to discuss conflict of interest. Joe Merillat sold the property that is in question tonight. I'd like to have a conversation regarding conflict of interest. If people have contact or business relationships or if they know their family members, they are required to step forward. We can't operate going forward where it's an old boy network and make it known that they know them. We need to know that as a community.

Dana Clumb said this is nepotism said she's the manager of the little store and she is in favor of the application and since the applicant is doing something to make it affordable to live here. This is a good thing that Tad Dowker has going for this township. He's making it affordable to keep his employees here.

Tad Dowker said if we can get through our presentation, many questions will be answered.

Adam Ford is a neighboring property owner. He purchased the neighboring 12 acres. We were confident in our purchase that we were going to live in a rural area. He was ready to start building until he found out that the adjacent property was purchased for workforce housing. Our money is in at stake for what workforce housing looks like. We've discussed this with our

realtor. We didn't know that this would be opened for high density development. If you look at this plan, I'll get six new neighbors overnight.

Terry Hogarth said the intersection near this parcel is dangerous and must be addressed.

Janet Neisen of Rex Terrace Road said Milton Township has done a good job maintaining the quality of life here. It's a place where you can come and enjoy God's country. It's the duty of the planning commission to try to maintain the integrity and the quality of life here. The attitudes that everyone has and do what's right for the land and what's right for the people. I'm upset by this decision by the planning commission regarding the ordinance amendment that doesn't look at the master plan and how this place should be operated.

3. Approval of Agenda

Motion to approve the agenda by Renis/Peters. Motion carried.

4. Approval of Minutes May 28, 2025 & June 4, 2025

May 28 Minutes: Motion to approve these minutes by Renis/Warner. Motion carried.

June 4th Minutes: Motion by Standerfer/Warner to approve these minutes. Motion carried.

5. Correspondence: Kopriva said there are many letters. They will be included as a part of the record of this public hearing. There are a stack letters received through 1 pm today that were not included in the packet. Hefferan said our position is that information we receive when we walk in the door and not in the packet hasn't been reviewed.

6. Old Business

a) ZO 2025-02 Paid Taxes Prior to Permits Amendment: This was sent to us by the township board. We had some questions and the board has made some changes. Kopriva said she has some additional changes to the language. Kopriva detailed the changes. We do need to have a public hearing on this language. Our next step is to schedule a public hearing for November since we can't get this on for October. Renis asked when this will be applied. Kopriva said this would take effect January 1st. It wouldn't impact the whole calendar year.

Motion to schedule a public hearing by Renis/Warner on ZO 2025-02 with the changes discussed by Kopriva. Motion carried.

7. New Business

a) PUBLIC HEARING- SUP 2024-03: Tad Dowker, owner of parcel 05-12-101-008-70; is requesting approval of a planned residential development to allow for a 16 unit subdivision in the agricultural district as set forth in ordinance 117.1616

Hefferean discussed the rules and procedures for a public hearing. Hefferan read from the ordinance regarding special land use and PRDs. All comments are to be

directed to the chairman. He requested everyone maintain courteous behavior thorough the course of this hearing.

Hefferan asked regarding a conflict of interest. Mr. Merillat has recused himself from this hearing. Refrain from interrupting.

The hearing was advertised in the Elk Rapids News 8/28/2 and 300 foot mailings were sent out on the same day.

Tad Dowker provided his presentation. He owns NorthShore Dock and several other businesses. Housing is a major issue here. Most of my businesses employ young people. Most of my employees drive 42 minutes to work. We are the largest employer in the township. We have 92 employees in the summer and 40 in the winter. He was approached through the township regarding his concerns. He said housing is his major concern. We developed this ordinance and it's a good balance of personal space and a nice look and feel. There will be a minimum of 60% green space. There are two different tiers. The proposal is individual houses. The green space is common use. The houses are individual. There is a single, two and three bedroom. My goal is to get housing for my employees and others in the area. I want to build these as cost effective as possible and give my employees the chance to grow their life in this township. We need people to come here to service our lives. We are trying to take some action to work on this issue. Our goal is to get our land use permit and zoning approval. Then it will go to the county.

Brad Muma of Performance Engineers who is the firm working with the applicant spoke about the septic and sewers for the project. This site has onsite septic. It's not different from any other house in a residential area. Each unit shares into one system. This would be permitted through the county and state. The wells could be one for each or one well for all sixteen units. There is room for any grading and drainage. Cairn Hwy handles the traffic and that road can handle the additional traffic.

Kopriva provide a packet of information and provided her report. She provided the ordinance for review. Walking through the staff report, there are some items that are partially provided and the PC may want to ask the applicant for more information on that. We did go through the criteria. The private road will be approved separately. The road itself is not under review, just the development. We do walk through the section related to PRDs and that specific to the AG district. There has been some discussion regarding lot size. The development was for a five acre property. The wells should be located within the development parcel of five acres, not on the other sixth acre. We have gotten a letter from the fire department. They discussed the private road. Jen provided this letter. This is a site condo and we would need a copy of the draft master deeds. While Dowker is proposing to use this for his employees, these are and will be approved as a single

family neighborhood. There is no discussion about price points and who owns them. It functions as a traditional neighborhood. The master deed would also address how the open space would be used in perpetuity.

Questions for information only (each paragraph is a new speaker. If there is no name provided, the speaker did not give their name during their question).

Bill Earm asked the board if he has permission to ask the applicant. What is the total acreage that is contiguous to what is being proposed. 6.18 Is the intent for seasonal or year round residents. This is year round. Does the applicant have the option to expand the usage, if they aren't occupied, can he rent those to the public? We will not regulate if this is seasonal or year round.

A citizen asked if the PRD is 6.18 acres, can he offer or develop or sell his property. You can develop your property. There is 1,000 foot buffer between developments.

A citizen asked if there are restrictions on selling the development. Would those become individual homes? Kopriva said this is a single family development. The township cannot and will not oppose that. These are individual lots. Is this as a private or business asset? The use is single family dwellings. If it's for business use and it's listed under the business, what happens if there is a divorce or division of assets? This is outside of the township purview. The township doesn't get involve in those matters. He can sell it to whomever he wants.

It's larger than five acres. We all agree that that there shall be a minimum and maximum acres. The property is too large for the PRD. Can you ignore the ordinance language? Hefferan said he hopes not. He's been through many public hearings with many larger rooms than this. There is no discussion of what it means. We do have the ability to ignore anything we want. Hefferan said the planning commission can interpret this section.

A citizen asked if Dowker has purchased the adjacent 17 acres? Hefferan said that doesn't pertain to this application. Who was the person who came to Dowker and asked to bring this to the township.

Are there any renderings of the buildings? This something we don't have right now. There were things dropped on my desk this afternoon.

How many people were here 30 years ago when the band bought 70 acres of property. Does anyone care about this property? Let him build. Do you care what the natives did?

A citizen asked the about the written correspondence. He submitted written correspondence today. Hefferan clarified that things submitted today haven't yet been reviewed. How will the individual homes would be handled? Does that mean that people's yard will be part of the open space? Kopriva said this should be handled in the master deed.

What they are building is a site condo. Are the property owners going to manage the property? Those are some key issues on a small piece of property. As far as traffic, there is a concern that Chippewa will experience a lot of traffic? Who will maintain this site condo complex. Kopriva said this will function like every other subdivision in the township.

We live one of three houses we own on Rex Terrace. We were under the understanding that it was two acres in Milton Township. If we are talking about third acre units. It's more worrisome that we are setting a precedent about this sale. How do we take this and approve it and not have it become a precedent? Hefferean said there is a 1000 foot rule separation for this type of development. Other types of development are allowed. It's being built as a PRD, but it's being sold individual with this many people in five acres. Kopriva said these homes would have to comply with any ordinance we have in the township.

Is the 2-5 acre limitation in the PRD ordinance in the same ordinance within 1000 feet. If you can approve a six acre thing, can you also approve one that is five feet away? Yes. These things are in the same ordinance. If you can waive one thing, can you waive other things? What would prevent you from approving another one that is less than 1000 feet away? Hefferean we will be given an opportunity to discuss this between the board members tonight.

The packet provided is what we have, other than the documents provided tonight with the elevations. Hefferan said the things that have been handed to us tonight haven't been reviewed. Hefferan said we are under no obligation to approve or deny anything.

A citizen said she's unhappy. Are these rentals or are these homes? The master plan was all agricultural in that area. What has changed to make it more residential. These homes will be owned. These can't be sold individually. Hefferan said regarding the change from Ag to residential. A PRD is allowed in an AG zone as a special use. Hefferan pointed to the subdivision on McDermot drive off Indian Road. It's permitted as a special land use.

A citizen asked what is to prevent the units being rented out on a short term rental basis. Kopriva said we have an ordinance, which would need to be complied with. If this complies with the short term rental ordinance, then they can be rented.

Will these be owned or rented? This is a single owner and the individual houses would be rented.

A citizen said the homes will be treated as individual owners, but it will be treated as a rental unit?

It's a single ownership site condo. Can't the township have more to say over rules and bylaws. The township has a lot of oversight in this situation. Is this a site condo? This is a site condo is how it's developed. It's how the land is platted. Most subdivisions are platted this way. It allows you to divide a certain portion of a whole. The township cannot impose restrictions that aren't regulated by our township.

A citizen asked regarding the ordinance regarding subdivisions. There is a blank. There is nothing listed. Kopriva said this is being approved as a PRD, not a subdivision. A subdivision is under the plat act. From the outside, it looks like a subdivision. A subdivision is not allowed in Ag. A PRD is allowed.

Brad Muma asked if farmland preservation was voted down twice? Yes. The residents of this township didn't want to preserve farmland. Why couldn't we split the well back off and put it on the sixth acre. Kopriva said we are reviewing the current application. It could be solved if that's the sticking point. Can you do whatever you want? This is a special land use. That's the intent. Hefferan read from the special land use ordinance.

A citizen said before you call for a public hearing on a special land use application, you have to determine the application is complete. When I got the application, there are all kinds of questions and there was no overarching narrative regarding the plan. Why are we at this stage. Many questions that exist are due to that. Hefferan said there were many things not provided.

Can anyone apply to rent these? Will they comply with HUD? A representative of Dowker said the housing will be up to standards. It will all go through the building department. When you rent you have to comply with the fair housing act? Or is this just to put his employees into? Steffan said when Dowker first addressed the audience, he said this is not just for his employees. Everything will be done to standards.

What is the process going forward? Hefferan we are at the question and answer point. Then, we will ask for those speaking in favor, and those speaking against. Then, we will begin board deliberations. We have the opportunity to approve, deny, or postpone any decision.

Regarding the financial aspect, are there any financial incentives that will be added on to the tax payers? Hefferan said no. This is privately financed.

Would it be possible after the initial development for him to sell one individually? Dowker believes he cannot do that. The ZA believes this is possible. This is a question. If there were three of us in the site condo, and all owners could they record something to the deed amendments? Can he do whatever he wants? After the deed is recorded, can the owner amend the restrictions? This question will be discussed.

These are rentals. What will the rent be on these units? Will it be affordable? Hefferan said this is a privately funded, private development. Kopriva said the township doesn't care how it's funded. This is a private decision on his part. We don't have any regulations to tell him what he can or can't rent his property. This cannot be a condition of approval.

How many other residences are within a half mile? There are two. Does the PC feel it's appropriate to drop this into an AG area? What are your plans for the rest of the property you own?

How is this project different than what great lakes packing does for housing for their employees?

A citizen asked who approached him about this proposition for reasons of conflict of interest? Dowker said he approached the township about this. We are trying to find a way to get housing here. We had a public hearing about housing. They had a subcommittee. It was all public. We discussed it. I made suggestions. No one called me up and asked me but I was active in my township.

Were any members of the board absent tonight, were they in those conversation with you? The subcommittee is three to four people and then it was reviewed by the whole board. Had you discussed business plans with any board members that are absent this evening? No. If you look at the record, Merillat was the one who voted against this.

Do you think this application is incomplete? Hefferan said yes.

Written Correspondence: We haven't had an opportunity to review all of the correspondence.

Those written correspondence in support of the application:

Those written correspondence in opposition of the application:

Public Comment:

This is not affordable housing for his employees. It's on the application. This isn't a residential investment. This is a commercial investment. He's comingled his assets to benefit his company. They will view this as a corporate asset. This doesn't comply with the area it's in and it has to be denied. There are limitations on the side. No variance is requested. You cannot create the hardship. It must be denied.

Dean Gither of Ringler Road said he'd like to take a step back. Traverse City is growing like crazy. It's moving in our direction. We are next. This not going to be the last time someone wants to come in and create a high density housing development. If you treat this as a one off, you're missing the point. If you don't have a plan to handle it, you will have controversy.

Brett Pharo said his opinion doesn't matter here. It either meets the ordinance or it doesn't. This application doesn't meet the ordinance. The lot minimum says the max is divided by the number allowed in the zone and that's three.

A citizen said he appreciates what Dowker is trying to do. I'm disappointed the township opened it up to the Ag district. We didn't ask to be put next to this. Why isn't this going into areas more developed. He bought his land to put in a garden. He's disappointed.

A citizen said there is a big push back. Dowker is trying to do something for his employees. He's trying to put houses in Ag. There is a 3.9 acre lot that could be purchased right down the road from here. If we take a step back and look at the implications for all involved, we will be well served.

A citizen said how the ordinance got passed a lot of things happen when we don't know what is going on. You may have to purchase other property to put this into an already dense area.

A citizen said she respects property rights, but that means that the people who live there currently have the right to enjoy their property. This would impact that. How will this impact emergency resources? How will that be impacted if we don't have property taxes?

Greg Holzhauer said he owns a lot of different properties in the area. His father sat on this planning commission years ago and things were simple for his dad. If it meets the criteria of the ordinance or if it's good for the township. His dad would be appalled if this got approved.

A citizen commented on the rural character of the township. This is what we like to see. In terms of developing this into a subdivision. I don't want to see that in rural areas. It's more appropriate for other areas like Traverse City. If you allow subdivisions, it's dense housing in a rural area and it degrades the area.

A citizen said when the GT Band bought the property, the township had a say in that property. The township no longer has authority on that property. There was a meeting. There are people who want to shut down a business in this township. I rented a boat from Dowker. I want to shop local. I want to spend money local. There are so many short term rentals. We don't care who comes in to rent those. We have parties going on all the time. The people who work for Dowker shop in our community. Some of those people are my own family. Some of his workers car pool to save money. Sorry you bought a piece of property and thought it could never be built on. Look at the larger picture.

A citizen said we live in a beautiful place. If you go ahead with this project, you are disrupting the integrity of this area. No one wants to see a subdivision. There are other reasons why this shouldn't go ahead.

If you make an exception for this one, you're setting a precedent that you are allowing future developments like this. If you open this door, then there are larger parcels that you will make an exception for.

A citizen said he's a builder and owns three companies. We've looked at property. Two acres is the minimum of what we can do. The issues is there are a lot more people coming here. There are more families that want to stay here. In the end we have a housing problem. People in this room have had money enough that that's not a problem. I have friends who cannot afford housing because as a community we aren't doing anything. Everyone comes together to say we need to preserve the farms, but the farms are tearing out cherry trees but you want to preserve it for farmers? The farmers are getting old and selling their land. Their kids don't want to farm. I don't want my kids to not be able to stay in this community. We have people who can't shake their own cherries because we don't have workers. I understand why people are passionate about living here but we have to do something about the problem.

A citizen said she bought at a time and has a house she couldn't afford to buy now. None of us feel that the idea behind this is bad. It's the place this is being proposed. We live in a little dream pocket and we don't want to lose that. Many of us moved away from subdivisions.

It's the township's responsibility to look at the zoning in relationship to the master plan. I don't know how that happens within your committee but I think that for all the reasons people have stated, the precedent, the location, it's a reasonable cause to deny this. I thank you for doing your jobs.

One of the fundamental rules of real estate is asking yourself, what is the best use for the property. Putting 16 units on it isn't the best use.

This is a special use permit so the township can put in changes. So you have time to make changes. We are spending hours here because there is confusion in the application.

Brad Muma said there is a vacant lot next to his land. We considered buying it because we didn't want someone else to build there. Everyone said they are for affordable housing. But people don't want it in their back yard. The only way to get affordability is density. We are rural but we still need affordable housing. If we go to two acres, you can't stop someone from doing 100 acres and 50 houses.

A citizen said to consider the master plan and density in the ag district. This is an ag district. As a resident of the township this bothers me. I have a cherry orchard. For that piece of property, it makes sense to have people who have land, but if you're going to do high density next to them, is that right?

A citizen said she and her husband put their adjacent up for sale when they found out about this potential development. I'm not against PRDs, but I'd like it in a different location. I've learned that the neighbors are amazing. I hope to be able to stay and not sell our property.

A citizen said he doesn't see how these are intended to be for employees and if he's not able to refuse other people how he can achieve his goal? Other people will be willing to pay more to rent. I also see insufficient open space on the property. The proposal suggests private yards for each house but those are being calculated as open space. The open space should be available to all residents.

Public Hearing is Closed and Board Deliberations Began. Hefferan thanked everyone for their comments. There is confusion with this application. I hope there will be more clarity provided. In regards to the gotcha moments, I've been here for 20 years and proud to serve, why would anyone volunteer for these jobs? There is a lot of suspicion of government. No one has personally benefited from this. I was just as surprised as the audience when I heard that we had approached Dowker. Dowker misspoke. Why would I ask for this? People can believe what they want.

Standerfer said at this point the application is not complete, which is should be for us to make a sound decision. There is a need to review the communications that were delivered today. We need to hear what people have to say. I would also like to see the building renderings, which we also got today. I own a business here in the township. I'm a farmer. It's what people want and love. I'm trying to keep my 400 acres. It's hard to do that because of the housing issue. I'm having a hard time getting people here to work. I don't want my farm turning into housing.

Warner said none of us knew about this until this special meeting was called and there was a potential for development on it. We are here tonight to review. The comment that there was collusion is absurd. I would like to say that we have a lot to review. I don't see this as complete. How are the sales handled? I sat on the subcommittee that created this ordinance. Housing is a major issue. I know many people in the area and prices have gone up. How do we develop denser housing? It's a responsibility to look at this issue. I hear your questions and your concerns. We have all of this information and we just got the renderings today. We haven't had a chance to review that. I just learned about the sewer system. As far as somehow we are already approving this, we are here to review the information. We are working on this. I want to review the information and see what is proposed regarding his development. I won't make any decision because of all that needs to be reviewed.

Renis said he would like to have the permits for the health department. Since it's on an orchard, there should be soil samples. You have the square footage, but you don't have a garage. Are the square footages right? You have two and three bedroom houses, which indicates there might be children. A recreational area would be a good idea for safety. Will they be able to put a fence up? Can they put a shed up? This will lead to the question about the open space being used for the yards. This is six acres. I don't see any way around that. It must be five acres. This all has to be condensed down to five acres.

Peters said he agrees with everything said thus far. Joe Merillat voted against this ordinance from the get go. He was always opposed to this. We tried this 20 years ago and I don't think it will be different this time around. Those were his words. Beyond that, we have much to review and we have an incomplete application.

Hefferan said on chapter 117.1601, upon receipt of a complete application, we don't have a complete application. Everything has to comply with the ordinance. I will never vote on something that doesn't comply with the ordinance. In the same chapter A. Lot area Requirements: There shall be a min two acres and a max of five. There must be a max of five. Not six. The application is 6.1. Given the comments by the board members that they need more time, I would like to have a motion to postpone these proceedings until we can reconvene this public hearing.

Kopriva said this could be postponed until the next regular meeting. Is two weeks enough time? Will this application be completed in that time? Kopriva said being that you haven't read the comments, would you like to go through what's missing now? Hefferan said the items noted in the staff report must be included and are currently noted as being incomplete. Kopriva also suggested clarifying areas regarding the master deed.

Motion to postpone the public hearing until a complete application is provided by Renis/Warner. Discussion. Hefferan said the other question is about the five or six

acres. If it's six acres, we won't be approving it. No other discussion. Motion carried.

8. Reports

- a) Zoning Administration Office Report: There is no report. This will be provided.
- b) Township Board Report– Renis: The fence ordinance was denied by the board. They are still working on the shoreline protection strip.
- c) Zoning Board of Appeals – Hefferan. The ZBA did meet and we did have an appeal from a property owner and it was denied.
- d) Planning Commission Updates – None

9. Future Meeting Considerations – October 1, 2025. Anyone who can't be here because of apple season is excused.

10. Adjourn: Meeting adjourned by order of the chair at 9:36 pm.