Milton Township
7023 Cherry Ave., Kewadin, MI 49648
Planning Commission
Unapproved Regular Meeting Minutes
September 2, 2026

1. Call to Order: Chairman Warner, Hefferan, Ford, Peters, Renis, Martina, and Merillat.

Members absent: None.

Also present: Jenn Cram, Jackie Peterson, Peter Wendling and many audience members.

Chairman Warner called the meeting to order at 7:00pm.

2. Public Comment:

Greg Holzhauer said that this meeting was noticed in the Record Eagle and he did not see it. His property notice was sent to his Florida address and he has not received it yet through forwarding. He found out about this hearing by word of mouth. The packet also did not appear on the website until yesterday.

Peter Wendling, township attorney, discussed section 117.1601 special land use procedures. Once an application is available there should be a prehearing process. There was a notice put out for a public hearing, but my advice to the planning commission is that we re-notice this to comply with the ordinance.

Warner asked if notices were sent to property owners? Cram said yes. We were not able to meet the deadline for the Elk Rapids News, so that is why we went to the Record Eagle and it was done 15 days prior to the meeting. The requirement legally is for us to post the agenda one week prior, which was done. The application was available at the office one week prior. The packet was sent to planning commission once it was complete. It was sent to Liz and she posted it to the website, but this is not a legal requirement.

Ken Flannery said he was at a previous township meeting and mentioned RVs parked on land and how long it can be there. He has heard you cannot keep them on property without a building permit. Warner explained that this public comment is reserved for items on the agenda but not related to the public hearing. The public hearing will contain public comment and the topic being discussed is not on the agenda.

Tony Martina said this is the first time in three or more years that a notice was put in the Record Eagle and not in the Elk Rapids News. One of my neighbors reached out to a commission member who confirmed a public hearing was being held tonight.

Andrew Hogarth said he send a letter to the township board with how to move forward with a moratorium. He discussed his letter. He discussed available parcels in the residential zones. He would suggest an inventory be done of available parcels for this kind of a PRD project. Hogarth

asked what the effect of Act 58 will be in the township? At the time his letter was submitted, he had been unable to find historical map information. He has since found a company that can supply the information. They currently have the 1997 maps in digital format along with the current maps. These maps could be compared. This letter to the board was included in your packet.

Ann Sheban asked when an application is initiated and how much time before that application expires. Warner said an application in process remains in process. Cram said she spoke with our legal team about the application. It was submitted in June of 2025. It was deemed incomplete in September of 2025 by the commission. The application was deemed complete November 11, 2025. After that they applied for a zoning amendment. They have been working to complete the application. It was deemed an active application by our legal team. There is nothing in the zoning ordinance regarding a time limit for an application.

3. Approval of Agenda:

Hefferan asked for the addition of a discussion of the creation of a subcommittee for PRD language under new business. **Motion** by Hefferan to approve the agenda as amended. Seconded by Ford. **Motion carried.**

4. Approval of Minutes of July 1, 2026:

Motion by Hefferan to approve the minutes dated July 1, 2026 as presented. Seconded by Renis. **Motion carried**.

5. Correspondence:

Letter from Andrew Hogarth dated August 16, 2026. Renis said that the township board is working on Act 58 and he does not believe this will come before the planning commission.

6. Old Business:

A. Public Hearing: Special Use Permit # 2025-03 Dowker PRD, located at 12985 Anchor Dr. Rapid City, MI 49676:

Warner asked if anyone needed to recuse themselves. Joe Merillat recused himself.

Planning commission bylaws were reviewed by Wendling.

Tad Dowker provided his presentation regarding the application. He purchased property off Chippewa Trail to add more housing to the community. If you think about the early years of your working career, it has changed from what someone can afford now. The average house in the township right now is $530K. We have a shortage of housing for new families or people starting out in their careers.

People who provide these services do not have a place to live. I am not here to get rich. I am just trying to provide a roof over people’s heads. What is the average rent and what is available right

now? I would ask people to keep in mind that this PRD creates a springboard. I have been trying to work on this for several years as it directly affects my business. Everyone is having the same problem with housing. I employ 75-90. My worker's drive time is about 45 minutes. It is getting impossible. The only way to fix this is higher density. The subcommittee worked on this for a year. It was approved by the township board and Antrim County. The end goal is affordable housing and getting people a place to live.

Zach Stuart, attorney for the applicant, discussed the interpretation of the PRD ordinance. 117.1616,B vs 117.1616,B,3. The law is clear, that when it comes to interpretation, if there is a general ordinance and then something more specific, you follow the more specific ordinance. This project meets 117.1616,B. This meets the open space, setback, road access, infrastructure, fire department approval. When I am in a room like this making arguments for million dollar condos and they take advantage of ordinances to sell to the super rich. But the point is this project is to allow affordable housing within this community.

With respect to the township's council, this may be re-noticed and we may do this again. We should identify the issues. We are here to hear your concerns and answer your questions. We believe this request for a special use permit should be passed.

Cram provided the staff presentation and she reviewed the timeline of this application. Some draft conditions for approval are noted at the conclusion of the staff report.

Questions from the commission regarding the lot line adjustment. Katherine Kauffman, township attorney, has previously reviewed the interpretation provided by staff and agreed with it - 117.1617,b.

Wendling said the moratorium is not in place. Once it is, there will be no more applications. The problem with the ordinance is the conflicting language. You also have 117.1601, for the planning commission to have an introduction meeting. We are going to take this meeting and consider it the introduction and then there will be another public hearing.

Wendling said getting to the standard itself, under B,3, you have a 2 acre minimum, you would end up with 2.5 units in total. Under B,3, you have 4 units acre. Under statutory construction the courts will look at conflicting aspects of the ordinance. The object is not to create harmony, the legislative body knew what was in the ordinance before they passed it. There is the principle of order under which this was passed. The conflict will trump the previous one. The statute being used here is 117.1616,B. Once we are through the public hearing, if you have questions about the application, an application can move forward with conditions. If the conditions are not met, then the application does not move forward.

Hefferan said it is the first time he has heard that there is not a moratorium in place. Wendling explained the mechanics of a moratorium. Renis said the township board approved the moratorium.

Cram said that when the ZA 2026-01 was presented to the board there was concern about density. Staff did offer a moratorium and there was a typo in it. Legal recommended we go back through the process, it was advertised, and it was approved and it will come back to the board later this month. The moratorium originally recommended by the board was for all new applications. This particular application is a pending application.

Renis asked to be refreshed regarding the zoning ordinance amendment. Was the intent to not limit the lot from 2-5 acres, but the development was limited to 2-5 acres? It also clarified how density was calculated. It would be per 117.1616,B,17. The planning commission supported that amendment. It was denied by the township board. The applicant now needs to do a lot line adjustment in order to meet the standards. That is their intent for the project to move forward.

Renis asked about the September 17, 2025 meeting. Cram said the ordinance did not require an introduction at that point. Because the applicant paid, it was scheduled. Staff worked with the applicant to bring in missing material. Cram said her interpretation was that the September 17, 2025 meeting was the introduction. Now that the application meets requirements, she thought it should be a public hearing. However, this meeting will be the introduction. There will be another public hearing scheduled.

Hefferan noted a typographical error in the staff report. The Antrim County permit is included in the packet.

Renis asked about the site plan review, 117.2103,b,15, proposed location… Cram reviewed the language and explained how it applies to this particular project. The open space meets all of the requirements.

Warner said we are looking at the conditions for possible approval. Cram read from the conditions. Staff did not find that the application met all requirements unless there were conditions for approval.

Ford asked regarding letters from EGLE and the road commission. Do these satisfy? Cram said yes. The letters in the file provide preliminary approval.

Public Comment:

Denise Patton gave her 3 minutes to Tony Martina.

Tony Martina said there have been a lot of changes to the behavior to how we do business regarding this hearing. He is concerned if there are conversations between Beckett & Raeder and members of the commission. He knows certain people were not notified by mail. Adam Ford was not notified. He is next door. There was no notice on the website. That is not required but it has been done. There are other mistakes and this is either negligence or malfeasance. Beckett & Raeder is acting as an advocate for the application. Why are we here again? This application violates the ordinance. Statutory interpretation. They caused the problems. As far as the density, when someone says, clearly, it never is. You are dealing with two different densities. This needs

to be looked at by a court. The moratorium was reasonable and responsible. I applaud them for approving that. Nothing has changed from what he has proposed. We are talking about a lot line adjustment. We should have known this before this was noticed. At the end of the September 17th meeting, Renis had the comments saying this has got to be 5 acres. He wants to see individual space and fenced yards and garages and off-street parking. Where are people going to park? He wanted to see recreation areas and a soil test and none of this has been addressed. No MDOT study has been requested. This is not an existing application. He should have been given his application and his money back. Beckett & Raeder gaslit us and prolonged this. The problem is that we have a for profit corporation making these decisions. They are going to bat for one person. I have never seen someone do this. They are not impartial.

Greg Holzhauer said he owns property within 1000 feet of this development. This is beautiful land. We bought these properties to preserve the rural nature of the township. You are stewards of this land. Exercise independent judgement. I read the whole packet. It is explicit what the intent of the ordinance is. Holzhauer read from the ordinance. The purpose is to preserve the rural character of the township. Even if the density is permitted, that does not mean it should go in this location. There is no way to make this compatible with surrounding properties. How could you screen this from adjoining properties? The area has to be screened because it is incompatible. By not having room to do that, you are offloading that on to adjacent property owners to screen it themselves. The applicant does not comply. There no recorded document in the public records for the lot line adjustment. The well is on the property he would like to offload. This is backwards and premature. Get an agreement, get a deed, get the acre set aside and then come back with your application. So far, there is no indication anyone is willing to take the lot line adjustment. In summary you will deny someone something. Either this applicant or the whole township.

Jim Patton gave his three minutes to Greg Holzhauer

Jim Benitez owns nearby property. Point 1, applicant's council said there is conflict in the language. Any reasonable body would resolve that first. A few years ago there was a push to do a township survey and duplexes in Ag land. Wasn't that on that list. The members of the board said there is conflict with the master plan. He read from other board member comments in meeting minutes. Let's resolve that conflict so we do not have litigation later. Point 2: Most of you agreed to try to help with affordable housing never thinking it would turn into a project like this. The applicant wants us to believe we are an island. If you go 20 minutes outside of this project, housing is about $230K and rent for $1K/month. Why don't we expand the village zone. Point 3. Something does not smell right about this process. The application does not meet the guidelines today. It clearly said 2-5 acres. The PRD ordinance does not meet the master plan. I ask you to deny this.

Kimberly Welsh gave her three minutes to Jim Benitez.

Toby Way of Bussa road said we need this because there is no affordable housing for young people. This has been needed for years and I understand not using farmland, but we do not have room elsewhere. We have got developments being built, but these are very costly developments. We need to invest in young people.

Amy Bay asked about this development being for his employees. How are we approving something that is for one company rather than the community. Has this changed? How are we ensuring that that indeed happens. Dowker said there is no way the township can regulate this. There has been a serious failure of transparency regarding this meeting. Why has the practice changed for this hearing? It feels as if this is a way to keep us out. The newspaper is only one part of it. We have people living within 300 feet that were not notified. Meetings were not posted. Each of those decisions reduce the likelihood that residents would know this was taken place. Bay is also concerned about Beckett & Raeder. Their work has been deceptive and sloppy. Why are we accommodating only one business? Why was this meeting handled as it was? A FOIA was requested surrounding all communications. A form of spoliation was also requested. Until we have those answers, this board should not proceed.

Julie Conger gave her 3 minutes to Amy Bay.

Mitch Reinik is a neighboring property owner. This is not an easy situation. Joe Merilat made these six acre parcels for a reason. We have bent over backwards to have this changed. Previously I thought Cram worked for Dowker. I think we need a pause and a subcommittee and people to help this board. This is the first foray into a big issue across the township.

Brett Pharo, a neighboring property owner said he does not support this. Zoning should have meaning and you should revisit the PRD. We have many natural resources. All of those are equally important. Housing developments are permeant. This does not meet the PRD requirements. There is a need for affordable housing. There is no limit on the cost of the housing or rent. You could put an average or a percentage. If you are going to have to have this kind of density, put it next to R1. Residential should be next to residential. We would not put a pig farm in a residential district.

Brian Connolly is a neighboring property owner. I urge you to disapprove this request. I am not opposed to PRD housing or affordable housing. The problem is that this is the wrong place. It does not fit with the geography or the utilities. We are here because this is the wrong place. It is offensive and it does not belong here. It sets a dangerous precedent. I urge you to reject this proposal.

Molly Schneider said regarding affordable housing, I would encourage you to look at the research for economic mobility for affordable housing to be located near services. Ten miles out is not the best location. Thank you to the board members for your work. I hope you vote to prioritize this strategic plan. Vote for the future of the AG districts in Milton Township.

Linda Spevecek is opposed to this application. There is not anything nefarious going on here. I wanted to talk to you today because this is your time and you do not take your directions from these check boxes. You decide in your own mind if this meets the master plan. She sent a long letter today regarding this issue and the things omitted from the report and where it does not meet the master plan. In Michigan as board members we have broad authority in a planning review. A PRD is discretionary. If something does not feel right, the idea is to discuss it with each other. In your own mind, what does not work about this and find common ground. If you cannot find common ground, hold your ground. This is a square peg into a round hole. This does not meet the master plan or open space provisions. It does not meet the special use standards. This is designed as a rental property. You are putting a commercial operation in the middle of AG. I do not see how this can happen. Consider the whole thing. Does it fit and if it does not, you must deny.

John Spevasek gave his time to Linda Spevasek.

Bob Kingon said he worked on the PRD and the intent was to have them in AR and Village. Our intent was not to have this in AG. This is a public hearing. It seems to me that you do not have to approve or disapprove anything tonight. Given all the conditions are not met, I see this as an opportunity to think about this much more carefully.

April Ginther said she has a practical concern regarding the location. Please drive on Chippewa or Hoopfer. It is a blind corner and traffic goes fast. Is there any consideration for this? Because this will be difficult to manage. The physical characteristics of this curve are very dangerous. Do you need to consider traffic?

Andrew Hogarth asked what triggers the three month for the lot line adjustment? Cram said this would be effective if the planning commission takes action at the next public hearing. That would start the clock. There have been a lot of good things said today. He would like to talk about the attorney's letter. There is some lack of credibility with the process. When I saw the letter from Dowker's attorney attempting to address my questions, I was looking for an independent analysis. I am glad to see your attorney here today. I have a rebuttal to Mr. Dowker's attorney. He presented this to the board and asked for a response from the township attorney. This kind of development will decrease nearby property owners value.

Chris Coger gave his three minutes to Andrew Hogarth.

Lin Balentine said zoning changes are serious and they need to consider many things. Everyone here is saying we want affordable housing, but could this be placed elsewhere? Please take your time to compromise and place this in a more thoughtful place that serves the neighbors and those that need the housing.

Ken Flannery asked the commission to deny this application. Go back and fix everything and let him reapply. You have got a mess right now. You need to fix the mess before you let someone do something like this. Deny this right now and say when we go through this and get the

moratorium and get this zoning fixed, then he can reapply. Right now, it is a commercial enterprise.

Richard Jeffery said he is a neighboring property owner. I urge you to deny this application.

Warner closed Public Comment.

Commission deliberations began.

Warner asked if the township board turned down the development amendment in changing the language. Cram said that was denied. Warner said he is still in conflict thinking about this. If there is a lot line adjustment, where would that go? Under 117.1616, 17, it says that the lot area requirement, for a PRD you have to have a minimum of 2 and a max of 5 acres. The lot is six acres. Cram said in order to meet the standard, he is proposing a lot line adjustment.

Martina asked where would this lot line adjustment come from? This has always been a five acre development on a six acre lot. Cram said he has the ability to do a lot line adjustment to meet the standards. Martina said we are talking about a 20% change. Cram said this is a change to meet the ordinance.

Renis said regarding 117.2103,B,14, location of utilities on site: It says it is provided. What you have given us does not show those lines and how does the water get there? There are no lines provided. The back yard is public open space. Each of these houses show a deck but it is not shown as private space. The driveways meet the requirements for two cars. Renis said a truck is 20 feet long. What about winter time and plows coming through. Even a car is a problem on the road for a plow. A mobile home park has more space than this. Renis asked for the mechanical for the well. Dowker said it would all be underground and it would be regulated by the state. How does the water get out of the ground? Where is it located? Dowker said the state tells you how big and where it is located. Dowker said it is on the map. There are two wells for redundancy. Renis asked what are you envisioning for this development? How do you envision it working? Dowker said it is just a house to rent. His goal is to take care of his employees. Anything extra would be rented to others. Renis asked if it would it have an HOA? Dowker said it would have bylaws like any association. Stuart said it would be leased and they would have requirements for the use of the space. In terms of the leases it would comply with the fair housing act and landlord tenant. They would not be lease to own. The lease would restrict common areas. The landlord would regulate what could occur. Renis asked if each renter would have the same regulations? Yes, but some properties may have some unique characteristics.

Martina asked Stuart if employees are taking priority, how does this comply with the fair housing act. Stuart said not that they are taking priority, it is just that we have a pool of people who need housing right now. The point is well taken. They would be available to whomever would want to apply.

Warner said regarding the wells not being on the 5 acres, I do not see a clear path to correcting this. Cram said we approve special use permits with conditions on a regular basis. Warner said the one acre is if one of the adjacent property owners would agree to take on the property with the well as proposed. He has a tough path forward.

Martina asked if you would rather avoid having easements. Cram said this happens with conforming lots. If he does not obtain this it cannot move forward.

Peters also said there will be power easements needed as well. Peters said the one acre and the lot line adjustment has to go to a neighboring property owner. Cram said yes.

Warner said the only direction we can go is to set a time factor to get the agreement with the surrounding property owners. Cram said this is why there is a condition for approval regarding the lot line adjustment within three months. Any conditions for approval must relate to standards in the zoning ordinance.

Dowker said the property is high value. He does not want to give it away without knowing if it will be approved. This is the reason for the conditional approval. The minimum for boundary approval is 45 days. This is providing 90 days. This would be approving the use. Other agencies require zoning approval before moving forward. Wendling said he would provide findings of fact. It does not mean you have to follow this. I would also create a exhibits list. Whatever decision you make, you must make it based on substantial evidence on the record. This is something more than a scintilla because if it gets appealed, the record is reviewed. This could be appealed. This should not intimidate you from making your decision.

Warner said we have neighboring property owners who say this will not occur. Ford said this is up to Dowker. He has got to approach someone to make this happen. Dowker's attorney said the condition would be met after approval. Without approval why would he give something away? There is no issue with showing you what the easement would look like. With the respect of bringing another party into this, they may not want to face the body here and now.

Hefferan noted under site 116.2105 criteria for review B, the staff comments, the last sentence. We have received no comments of opposition from neighboring property owners. Cram will remove this.

Hefferan said he does not remember approving a project with so many conditions. Is this common? Wendling said it does happen. He will take a careful look at the findings. This is all about the rules for me. If you conform to the ordinance, we must approve. I believe everyone is being sincere but this is about the rules and complying with the rules. I will go back to the September 2024 minutes when we talked about the size of these lots and I voted in favor of this ordinance being changed. In the minutes, it was asked about 2-5 acres and that was a guard rail for me. I have never heard of an application getting something to comply after the fact.

Warner said we will review the material until the next meeting. The next public meeting will be October 7th at the regularly scheduled meeting.

7. New Business:

A. Sketch Plan Review for Zoning Ordinance Amendment #2026-02: Golf Course:

Don Smith said he and Gene Davis, and Bruce Hepner are proposing a golf course.

The chair called a five minute recess.

Merillat returned.

The meeting resumed at 9:49 pm.

Don Smith said he is a member of the community. He owns Honch Rest Campground as well as the Torch Lake Campground. We are presenting the Cairn Club. This is on a piece of property on Cairn Highway. We started putting this plan together and we are here to review and get direction from the planning commission.

Gene Davis is here to consult as a grass guru. Davis noted he is also a local and he provided his background. We spent about 8 years working together at the Elk Rapids Golf Course. We decided to pursue this a bit further. I am the agronomic consultant. There is a third person who could not be here tonight. Bruce Hepner. He is also involved in the project.

Cram said the land is currently zoned AG which does not allow golf courses. When they approached us with this plan, they could request a rezoning from AG to AR. Based on the conversation, I did not think the board would be open to that. There could be a conditional rezoning for something very specific. It would allow the use and if the golf course ceased to exist, it would go back to AG. The third option is to request a zoning amendment to allow golf courses in the AG district. I included what this amendment might look like. If the planning commission is open to allowing this anywhere in the AG district.

Because there were these unknowns, the ordinance allows for sketch plan review to get feedback from the commission. Smith said years ago there was a golf course on Elk Tip Drive. I believe that is the history as to why it was approved in AR. This would only be 9 holes. There are many steps to this process. We wanted your input.

Cram said the ordinance does not have any requirements for a golf course. If the planning commission would approve an amendment for a permitted use, it would still need to go through site plan review, following the approval of the zoning ordinance amendment. They are meeting with EGLE to discuss the drainage.

Hefferan said he is not in favor of a rezone to AR. Take that off the table. Conditional rezoning, we have not done this while he has been on the commission. Are we allowed to do this? Cram said we are allowed to do it. It is not prohibited. Warner said when we took the educational

course through MSU and agritourism, they specified that conditional rezoning can be done in Michigan.

Hefferan asked who will fill the room if we added golf courses to the AG zone? Merillat suggested putting this as a special use and asked what surrounding townships do? Cram said she is working on a golf course in Kingsley. They are allowed with site plan review. They have standards for golf courses. These include setbacks for balls hit and direction of play for safety. Hefferan said he would like to add it to the AG zone as a use. Merillat said we have no standards. Our oversight would be limited. Cram read from the ordinance definition of golf courses.

Martina said he likes conditional zoning. If the business fails, it goes back to AG. Hefferan said it should be a permitted use in the AG zone. Merillat said he agrees with Hefferan, but not without standards. He would like a special use or site plan process.

How should we proceed? Peters asked how this conforms to rural character. Smith said this is highlighting the natural character of the land. 50% of the grass would stay there. This is a minimalist golf course. It would be less water and less inputs. Bruce will not develop a golf course that does not fit with the setting. He would never do that. We want to maintain the history of the land and the area maintaining rural charm.

Peters said once again here we are with growth and we are looking at AG. Smith said if you look at the map, that is where we are. What if we get a room full of people who want to preserve our AG land. Hefferan said it has been for sale for a long time and they could have bought it. They want to preserve the rural character, but what are they going to actually do to that end.

Cram said if the majority of the planning commission would go with a zoning ordinance amendment, Cram will help the applicant with that. That would require a public hearing. Cram reviewed the process. If everything goes to plan, it could be 4-6 months. Merillat asked for the perspective from other townships. Cram said she would provide this. This is not the introduction because they do not know which direction they want to take. If we move forward with a zoning amendment, it would be allowed in AG if it meets the standards.

Commission members would like to see the information for a conditional zoning amendment versus a zoning ordinance amendment. Members discussed the pros and cons of each possible avenue. Smith said in 20 years, there have only been two new golf courses, Sundance at Ag-A-Ming and the update of Highpoint. Cram read from our zoning ordinance regarding the conditions for approving.

B. PRD Subcommittee:

Hefferan discussed setting up a subcommittee on the density issue and Act 58. He thought that the clock on the moratorium was already moving and apparently it was not moving at all. Cram said the moratorium has dates that will need to be revised by the township board. He would ask if the commission would consider having a subcommittee for the PRD. We have accomplished