

**ARLINGTON TOWNSHIP PLANNING COMMISSION**

**REGULAR MEETING**

**MARCH 6, 2019**

Commissioners present; Jim Funke, Mike Koshar, Joe Wooding, Martha Bregger, Georgette Peterson

Other attendees: Susan Wilson, Brian Knotek, Ken Dettloff, John O'Connell, Annie Davidson Funke, Frank Bell, Frederick Gill, Ken Jordan, Mike Gray, Chin Ho, Theresa Gill, Alex Gordon, Rose Jordan

Meeting was called to order by Jim Funke, Chairman, at 7:02 PM

Pledge of Allegiance was recited.

Old Business:

Wineries

Brian Knotek reported that the changes to the amendment about wineries suggested by this Planning Commission to the Regular Board was sent back to the Planning Commission for revised text and clarification. The Board reviewed the Lawrence Township Amendment. Ken noted it is more extensive than what we had and he recommended we put it on the agenda for an open meeting in April. Joe Wooding asked about alcohol content and noted that it is not just fermenting but also distilling.

Mike Koshar made a motion to Direct Brian to Publish the Lawrence Township Amendment as written and present at the April meeting for Public Hearing". Georgette Peterson seconded. Passed unanimously.

Short Term Rentals

Jim stated we could do an amendment to allow these in the Ag district only but nobody has requested one and he asked if it was necessary. Ken Detloff replied that the amendment was prepared because these are being advertised around Scott Lake now. The current residents there are concerned about overcrowding and overloading the septic systems and so on; and this is in a residential district. Jim asked what we should do at this time. Ken replied draft an amendment for the agriculture district. Frank Bell stated that Ken had a written amendment at the last meeting. There had been no publication of a Public Hearing. Annie Davidson Funke asked for clarification of what the people at Scott Lake want. Ken said he thinks the Board is ready to act on this.

Frederick Gill asked about short-term rental of his land and was told this was a different type of rental. Jim reminded everyone that there will be time for Public Comments in this meeting.

Ken Jordan questioned a comment in the last meeting minutes about Short Term Rentals and it was clarified for him by Georgette Peterson.

Ventures 50680 Property

Jim stated the Special Use Permit was approved by the Township Board. It was discovered that the transfer of ownership was not done. It was done on 2/28/19. The Township Board will want to know if the property has been purchased and it is known that at least one of the properties was purchased on a

contingency basis. Brian stated the Ordinance requires that the owner has to sign an affidavit stating this is the case. If the contingency is based on State approval, the board will wait until that is done. Annie stated this could delay things as the buyer has 30 days to come with the money after the contingency is removed. Mike Gray said he did not see a place for this affidavit on the Township web site.

Jim adjourned to a Public Hearing.

#### Dragonfly application of MMA grow and process

Chin Ho stated he is withdrawing the processing on one of his applications and submitting a grower and the processor will be the 3<sup>rd</sup> farm. This is the one on CR 681 and it is being inspected this Friday. He went on to say this farm will staff 20-25 people and it is being purchased on State contingency. Ken asked if this is a new grow because the site plan shows both and said it will need to be revised. Brian asked about the location of the structures and Chin responded they will be the same. Ken asked what the structures will be used for and Chin replied they will be used as pole barns and the product will be there to dry. Brian asked about surrounding properties and Chin responded they are all Ag. Brian asked about clearing and Chin replied it is already cleared. Brian asked about water resources and Chin replied it will be per drain and road commission approvals. In response to Brian's question about hours of operation, Chin replied sun up to sun down. Brian asked about parking to which Ken replied there is plenty. Mike said we can recommend approval based on an updated plan. Ken stated everything is in compliance and noted security cameras have been noted on the plans. Chin added the security cameras will be inside and outside and there should be a total of 16 cameras. Ken stated that whatever modifications are made must be submitted to the Township "as built" which reflects final construction.

#### Amendment to Zoning Ordinance to allow wood manufacturing in Ag zone.

Jim explained this is a request to amend the Zoning Plan in Ag district to allow manufacturing, assembly and sale of wood and wood by products excluding treated wood. Orlo Mast stated they will be building trusses. Brian asked how big of an operation. Orlo said 60 acres, He added it will mainly be family and there will be 3 or 4 people at the most. It is located on CR 376. Brian asked what kind of traffic they are expecting and Orlo responded there will be a lane for semis to come in and get off the road. Ken asked if this is an all-weather road and the response was no. Ken mentioned there is a concern about load limits. Jim explained that this is like any other operation and the owner has to comply with all the requirements. Ken added that approval of the amendment does not guarantee approval of the project and a site plan and so on must be submitted. Annie commented that a situation like this was discussed at the Zoning Board of Appeals and this could change the tax rates. She said this also applies to marijuana and the State is considering changing marijuana to non-ag for tax purposes.

A motion was made by Martha to return to the Regular meeting and seconded by Mike. Passed unanimously.

Motion by Martha Bregger "The criteria established by Ordinance No.018-02 have been satisfied by the applicant" was seconded by Joe Wooding and passed unanimously.

Motion by Georgette Peterson and seconded by Mike Koshar that "The Special Use criteria set forth in Article 13 of the zoning ordinance have been met based upon the factual determinations we have made. Passed unanimously.

Motion that “The criteria for Site Plan Approval set forth in Article 5 of the zoning ordinance have been satisfied by the applicant based upon the factual determinations we have made was made by Georgette Peterson. Discussion ensued and this motion was not acted upon. A second motion was made by Georgette Peterson that “The criteria for Site Plan Approval set forth in Article 5 of the zoning ordinance have been satisfied by the applicant based upon the factual determinations we have made and is contingent on revised site plan approval”. It was seconded by Mike Koshar. Passed unanimously.

Motion made by Mike Koshar and seconded by Joe Wooding that “The Planning Commission recommend to the Township Board that the special land use permit and site plan applications of the applicant be approved with the condition it is contingent of approval of the site plan. Said i

Meeting was opened to public comments.

Theresa Gill inquired as to what the responsibilities of owners leasing their property for marijuana growing. Brian responded that he did not think the State would allow this type of arrangement but said he would look into it. Chin added that the State has a standard called “Party of True Interest” so both the owner and the renter would have to pass all phases of the process.

Alex Gordon had a question about his property taxes and was referred to the Board of Review.

Mr. Jordan had a question about updating ordinances such as the blight ordinance and Brian responded that the Township is working on this. Mrs. Jordan asked about ordinance enforcement. And if those operating already would be subject to an ordinance violation if one were put in place. John O’Connell said they would and it would streamline the process. Mr. Jordan said there is State legislation regarding Air B&B’s and asked if it had gone anywhere. John’s response was “No”.

Orlo asked some questions about the site plan and his questions were answered.

Mr. Gill asked if the Township has the power to pass an ordinance for something they have done in the past and Brian explained it would be illegal as soon as the ordinance was in place.

Jim reported that we have been given the Township Plan and the Planning Commission has to meet with the Township Board and other interested parties. He added that at the next meeting, which is April 3, 2019 there will be a hearing on Short Term Rentals, Wine and the Dragonfly property.

Mike Koshar made a motion to adjourn the meeting,; Martha Bregger seconded and all were in agreement.

The meeting adjourned at 8:25 PM

Respectfully submitted by

Georgette Peterson