

ARLINGTON TOWNSHIP PLANNING COMMISSION

REGULAR MEETING

FEBRUARY 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, Carmine Pistolessi, Chin Ho, Andy Lawrence, Janet Lawrence, Theresa Gill, Frederick Gill

Meeting was called to order by Jim Funke, Chairman at 7:00 PM

Pledge of Allegiance was recited

The minutes of the 12/15/18 meeting were read by Georgette Peterson. Martha Bregger motioned to approve the minutes as read; Mike Koshar seconded it. Passed unanimously.

There was no old business to be discussed

A motion was made to go into an Open Meeting by Mike Koshar and seconded by Joe Wooding. Passed unanimously.

Jim Funke explained the procedure of going into an Open Meeting to discuss requests submitted to the Commission

Regarding the Roelof property: The Special Use Permit was approved in September 2018, however, the Notice of Public Hearing omitted the word "Processing". Ken Detloff explained the omission and Jim Funke asked if anyone was present who wished to discuss this. There were no comments.

Regarding the Pistolessi property on CR 681: Jim Funke reported that we have received the application, payment and site plan. Carmine Pistolessi noted that his part of the operation is for the growing and production and that Chin Ho's applications were for a processing and several grow permits. Carmine's three are under his name and Chin's four are under the name Dragon Fly Kitchens. Ken noted that, if a permit is awarded, it can only be in the property owner's name and Chin reported that they both own the property. Mr. Ho went on to describe the plan of developing 56 acres and to put in 6,000 plants. He noted that there is a lake on the property and natural woods they wish to keep as a wildlife corridor. He stated the plan is in 4 Phases; Phase 1 during the first year and the next 3 Phases in the following year. He reported the DEQ had been out and discussion with them involved the wet lands on the property that must be left intact. The plan is to be up and running in March or April of this year. It is expected to produce 20-25 jobs in the first year and up to 100 the following year. Mr. Detloff remarked that one criteria for a permit that must be considered is that the operation doesn't interfere with neighboring properties. Mr. Pistolessi replied that all neighbors are agriculture, his property is boarded by woods and part of the site plan shows they are planning to put up heavy pines as a border. John O'Connell added that no pesticides or herbicides will be used. Brian inquired as to whether there was discussion of drainage and Chin reiterated they had discussed with the DEQ and added they have also consulted with multiple environmental agencies. Chin said they want this property to be "Magazine worthy". Ken Detloff remarked that the site plan submitted to him was not to scale and he is unable to read it as is; he noted the Ordinance states that 3 acres or more requires a scale of 1 inch equals 100 feet. Chin Ho explained the blueprint shows a scale in the corner that is 1 inch equals 310 feet. Ken also noted

therewas no height for the fence as well as for the trees when they are to be planted. Chin replied that they are asking the State what the fence height requirement is and the tree height was not specified because they don't know if the nursery will have 4 or 6 feet Thuja Green Giant Evergreens available. He also commented that the planting will take place during Phase 2. Brian Knotek asked if they will have the licenses by March or April of this year and the response by Chin Ho was that they are in Phase 2 of the State process. Brian also asked if they have an understanding of what the State requires for the site plan and Chin responded that the site plan has already been submitted to the State. Brian commented that there can be a difference between State and Township requirements. Jim Funke asked who prepared the plans and Chin replied that it was by licensed architects. Brian noted that the Commission can act on the special use permit and provide an opportunity for the owners to submit the corrected site plan to Ken if they wish. Ken offered to meet with them after the meeting.

Georgette Peterson made a motion to return to the Regular Meeting and Martha Bregger seconded it. Passed unanimously.

Regarding the Pistolesi and Dragon Fly Kitchen special use permits, Brian read the Criteria or all Grower and Processers. The FINDINGS OF FACT ARE ATTACHED and incorporated herein by reference.

BRIAN, WILL YOU PLEASE ATTACH THE FINDINGS OF FACT AGAIN.

A motion was made by Georgette Peterson and seconded by Martha Bregger to adopt Ken Detloff's findings of fact related to the 5 criteria or Ordinance 2018-02. Passed unanimously. The 8 criteria of the Arlington Township Zoning Ordinance Sect. 13.01 were read by Brian Knotek. A motion that "The criteria set forth in Section 13.01 have been satisfied subject to further review by Ken Detloff and contingent upon his approval" was made by Mike Koshar and seconded by Joe Wooding. Passed unanimously. A second motion was made by Georgette Peterson to "Approve the Site Plan Subject to Final Review and Approval by Ken Detloff Prior to the Township Board Meeting on February 20, 2019. Passed unanimously. A motion was made by Martha Bregger to "Recommend Approval of the Special Use Permit Contingent on Ken Detloff's Review and Site Plan Approval; seconded by Mike Koshar.

Regarding the RoelofOperation, a motion was made by Georgette Peterson and seconded by Joe Wooding to "Approve Ratification of the Original Motion to Add to add the word Process so as to Read Process and Grower. Passed unanimously.

Jim Funke proposed amendments to include uses that were not included or allowed in the original zoning ordinances to consider Wineries, Manufacturing and Short Term Rentals. Jim reported that the recommendation at the December 5,2018 meeting to the Township Board was approve wineries. The Board sent it back to the Commission for clarification. One of the Board's questions was how the local ordinance would interact with the State's requirements. Brian Knotek explained the Commission has two options: Option 1 is to send it back to the Board with a recommendation to approve. Option 2 is to request Ken Dettloff to revise it. Jim Funke read the proposed Amendment to Section 3.09 and reported

that some of the Board's questions were if the product should be grown on the winery premises and whether we can limit what the Liquor Commission states. Annie Funke asked if the amendment is passed as written, can they go beyond this, for example open a restaurant. Ken Dettloff stated that any applicant has to abide by State and local law and the Board is looking for clarification between State and local order. Brian noted the Planning Commission can make it more restrictive but not less. Annie asked if the word "cider" can be removed as not all cider is alcohol. Andy Lawrence stated that 1/2 of 1% is alcohol by law. Janet Lawrence reported the State of Michigan Ordinance states that wine selling, tasting, and manufacturing can have food. Brian reiterated that the township can be more restrictive than the State. Jim read part of what the State of Michigan Liquor law MCL1111(10). Georgette Peterson remarked that the proposed amendment needs to be more specific. Ken remarked the legal use, which this is, should be provided for. Annie inquired as to if the Township can state where the location is and Ken said yes but you can't say a legal use is not allowed. Joe Wooding inquired if this could be addressed in a Special Use Permit and Ken responded in the affirmative. Janet Lawrence remarked the Michigan ordinance states food is ok and Brian said the recommendation could include food. Brian noted the Special Use Permit must go through the Findings of Fact. Jim suggested adding additional requirements at the end. Brian said the Commission can recommend conditions and they must be satisfied that the meaning is clear. Annie remarked it will be restricted on the Special Use Permit. Brian suggested tabling the matter to investigate what other townships, states and so on are doing. Joe Wooding made a motion to table the matter; Martha Bregger seconded it. Passed unanimously.

Jim Funke reported there was a request for an amendment to allow manufacturing facilities in the Township. This is a proposed amendment to Arlington Township Zoning Ordinance Sect. 3.09 Schedule of Regulation Special Uses. The request has been to allow construction and operation of a Truss-Making facility. Before a Special Use Permit could be approved, the process is to approve an amendment allowing this type of activity in the Agriculture District which requires a public hearing and a vote. The public hearing is tentatively scheduled for the Planning Commission meeting on March 6, 2019. The notice of this hearing must be published in the local newspaper.

Regarding Special Use Permits for Short Term Rental Business: The proposal is an amendment to Zoning law Sect. 3.09 to add "Bed – N – Breakfast Inns. Ken Dettloff explained the proposed amendment would permit Air B & B's and Commercial Bed and Breakfasts in the Ag Zone and nowhere else. The President of Scott Shores Association, Ken Jordan, presented there have been 4 properties on Scott Lake last year that were being used as Air B&B's. The renters of these properties were told it was ok to use the association properties for their personal use per Mr. Jordan. This is not true. He added that as an association, they do not have the resources to disallow this and are asking the Township's assistance help with the people who are using the Residential District for their own gain. He added this year there are 8 advertising and is asking what can be done. John O'Connell remarked that one issue is overloading of the septic system due to the increase of people and this is a health issue. Frank Bell, who lives on Scott Lake, remarked that North Scott Lake on 24<sup>th</sup> is a resort area, it is in an Ag District and it is in Columbia Township. Jim Funke said there are people on the lake who are long term renters and Frank Bell said that with a 6 month or 1 year rental, people get to know each other. Joe Wooding inquired if they have talked to the owners that are renting the B&B's. Ken Jordan replied that they had and the owners feel it

is their property to do what they want with and he feels something is needed to heighten awareness. John O'Connell questioned how to enforce this. Brian Knotek remarked the Commission could recommend to the Board that a Civil Infraction Department or Bureau be created. He said equal consideration must be given to all and a Public Hearing would need to be held. A tentative Public Hearing is scheduled for March 6, 2019 and a notice to the local paper is needed for this hearing.

Kyle Holland remarked the Roeloff's Processing license holder is Kula Company LLC. Theresa Gill, who resides at 33704 56<sup>th</sup> Street said she had never seen a Site Plan and inquired as to how close to her property this is and wanted to know if she can get this information. Annie Funke got the Site Plan out for this property. Frederick Gill inquired as to if they could rent their property out to Roeloff and John O'Connell responded in the affirmative. Mr Gill asked if this could be an extension of the current Roeloff property permit and it was explained that a new permit would be required.

Ken suggested that a joint meeting with the Township Board and the Planning Commission be considered.

Jim remarked that Ken distributed the draft of the new Land Use Plan. Ken confirmed it is a draft and he would like questions of comments on it. A final draft will need a Public Hearing and will need to be approved by the Township Board and then the Planning Committee, then the adjacent communities.

The meeting adjourned at 9:20 PM

Respectfully Submitted by Georgette Peterson