

ARLINGTON TOWNSHIP PLANNING COMMISSION

REGULAR MEETING

APRIL 3, 2019

Commissioners present: Jim Funke (Chair); Joe Wooding; Mike Koshar; Martha Bregger; Georgette Peterson

Other Attendees: Brian Knotek; Susan Wilson; John O'Connell; Annie Davidson-Funke; Lorraine Crandall; Mike Gray; Ken Jordan; Janice Williams; Sherry Parrish; Tony Stocchiero; Chin Ho; Troy McLaughlin; Frank Bell; Donna Bell; Janet Toton; Frank Leman

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

Pledge of Allegiance was recited.

The minutes of the 2/6/19 meeting were approved as written by a motion by Joe Wooding and seconded by Martha Bregger. All were in agreement.

The minutes of the 3/6/19 were read by Georgette Peterson and a motion was made by Mike Koshar, seconded by Joe Wooding and voted on unanimously to accept as read.

Jim informed there were 4 Special Use Permits that go back as far as 2011 and the practice has been to send a letter to each of the parties in advance of the renewable date and then to send a second letter after approval. 3 of these 4 have become marginal operations. Jim asked if the letter should request a response and whether there should be a renewal fee. Joe said it should be a minimal amount. Annie said there are renewal fees in other places and there will be more to do to ensure that they should receive another approval. She thought it should be \$100. John O'Connell voiced agreement. Mike stated the Initial Special Use Permit is \$600 and there is currently no renewal fee. Joe asked what would be needed to be done for renewals and John replied "Nothing different". Jim inquired if we should make a recommendation to the township board and Joe agreed that we should have a nominal fee. Mike stated \$100 would be good. Brain commented that we should consider the existing language in the ordinance and what we are suggesting requires a public hearing for the text amendment. Jim stated a public hearing will be scheduled.

Meeting was adjourned to Public Hearing for discussion of 3 Special Use Permits by a motion made by Georgette and seconded by Martha.

Pelican Farms: this is on CR 215 ½ mile north of M43 and owned by Mike Gray. Per Mr. Gray, the property consists of 63 acres, 47 of which are cleared. He went on to say the perimeter section will have 8 foot fences, barbed wire and 100% security coverage and it will also have privacy fencing. There will be landscape barriers. There is an existing house and there will be a renter there who will be a security person. There will be no operation taking place between the end of November to March 1<sup>st</sup> but the home will continue to be occupied. It will be 100% organic. Lorraine Crandall asked about insurance

and Mike said he has coverage. Lorraine further asked what would keep people from going through her property to get to his. Mike stated it is wet in the back and there is a security presence. To Lorraine's question about noise, Mike said there will be none. He did add there will be a few semis for drop offs and employees in the morning. Lorraine said the police are there all the time because there are theft issues. Mike explained the security fences that will be around the building. Lorraine voiced concern about her property. Jim explained that State and local laws are clear and that the Township Board voted to accept MM applications. Ken stated Road, Fire and Drain approval are required. Mr. Gray said he understands that he will not get a permit until the closing which is to take place on 4/27/19. Lorraine asked if it was going to cost the taxpayers more money and Mike said it is the other way around.

A motion was made to close the Public Hearing on Pelican Farms by Mike Koshar and seconded by Joe Wooding. All agreed.

Jim then opened a Public Hearing on Dragonfly Kitchens. Chin has requested 6 licenses. The final inspection on one is expected to take place next week. He stated there will be 16 staff members, 12 of who are local people. His chef, Chang, will be running the 2<sup>nd</sup> processor focusing on edible kitchens. This will be a grow and processor and is bordered on 3 sides by woods, is off set 300 feet and has 2 pole barns and 2 green houses. There will be 10 foot high fences and 16-31 security cameras that are all motion sensed. When motion is detected, a text will be sent to Chin. Eventually there will be a tree barrier around the property, water will be from a well and the surrounding properties are ag. Chin noted there are 7 doctors working on this. Ken Jordan asked why he chose here and Chin responded that he has family nearby. Janice Williams asked if they were looking for any more property and Chin said not at this time. Sherry Parrish commented that this butts up to the back of her property and she said she is residential. She said she has 16 acres and there is a fertilizer plant to her East. Chin reiterated that the fences are 10 feet tall. Tony Stochierro asked if they were shooting the cameras into the neighbors and Chin replied no and stated "It is not legal". He explained the type of cameras which are 720P. Sherry asked about odors and Chin replied there should be no smell at this farm; there are carbon filter requirements imposed by the State.

Martha made a motion to close the Public Hearing, Mike seconded and all voted in favor.

Jim opened the Public Hearing for Up High which is at 29300 50<sup>th</sup> St and is Troy McLaughlin's. He stated there is an existing farm house that they are trying to save , 13 acres and 600 feet of frontage. He explained the process with be in two phases with the first being the house and a small greenhouse and the second being a larger greenhouse. There will be 8 foot fences around the property and security cameras. No fertilizer will be brought in and there is a soil ecologist involved. There will be 8 employees but up to 18-20 at harvest time which takes about 1 to 1 ½ months. He stated he is interested in a Processing facility if a license becomes available. Jim asked Ken about his recommendations and Ken said he had some questions regarding the berm, security fence and plant materials. Troy answered these questions. Troy talked about the security cameras which will be a minimum of 720 and will have high resolution in critical areas.

Motion to close the Public Hearing on Up High made by Georgette, seconded by Martha, and approved by all commissioners.

Jim opened the public hearing for the Winery Amendment.

Jim explained the amendment is to allow for this and at a previous meeting, we suggested an amendment be presented to the Township Board who sent it back asking for clarification. We obtained Lawrence and Baroda amendments to review. Brian Knotek explained the Board asked for clarification and it was suggested that the Lawrence amendment could be adapted; Brian reviewed this and determined they may not comply with State law. The Baroda Township amendment is broad which would allow dealing with these on a case by case basis. Brian noted that this Commission could send the original suggested amendment back to the Township if so desired. Annie stated she would like to see minimum property size and road frontage. Jim stated we are allowed to be more restrictive but not more lenient than the State.

A motion was made to close the Public Hearing on Wineries by Joe Wooding, seconded by Mike Koshar and all voted in favor.

Jim opened the Public Meeting for Short Term Rentals in the Ag District. Jim noted that we have these types of businesses being conducted in both Residential and Ag Districts. Ken stated Residential is not being discussed here. Ken Jordan asked how many days are considered short term rentals. Ken said the definition under review will define commercial B & B's to not exceed 14 consecutive days and Air B & B's to not more than 3 consecutive days and not more than 2 transient guests. Frank Bell asked "If it isn't stipulated then it is not allowed." Brian stated the courts have declared that these are legal so the Township cannot ban them but can impose restrictions and this is the reason the Township Board is considering this matter. Donna Bell asked Brian about a neighbor they have on Scott Lake who has a 3 story home. She said he rents out the 3<sup>rd</sup> floor. Brian said this is not legal and the Township is in the process of streamlining enforcement process. Donna asked if it would speed up the process if the Scott Lake Homeowners Association presented as a group. Brian said there are constitution and by-laws of a Homeowner's Association and if anybody violates these, it is up to the Scott Lake Homeowner's Association to act and it is separate from the Township. Annie said there are 2 operating in the Ag Zone now and asked if there will be inspections. John O'Connell said they will get the Fire Chief's input. Brian said conditions can be imposed. Frank Bell commented that farms are businesses and Air B & B's are business as well. Janet Toten said she researched residential and it was specific that it is permanent and must contribute to the community. She asked what the process is. Brian replied that if the Board approves the recommendation, it is published, then it takes effect within 7 days. Lorraine asked "If I had a blueberry farm and someone wanted to bring in a trailer for a few days?" Brian said he would look at the ordinances and there is not reference to bringing on a structure.

Motion to close the Public Meeting made by Martha and seconded by Mike. All in favor.

Jim opened the Regular Meeting.

Re: Pelican Farms. Per Ken, the Findings of Fact for Ordinance 2018-02 have been satisfied. The Commissioners agreed that it is all Ag, there are no traffic concerns, barriers are ok. Mike made a motion to recommend to the Township Board that Pelican Farms Special Use Grow Permit be approved. Joe seconded and all were in favor. A motion was made by Joe and seconded by Mike to recommend to the Township Board to approve the site plan, motion carried unanimously.

Re: Dragonfly Kitchens; Grow and Process. Per Ken the Findings of Fact for Ordinance 2018-02 have been satisfied. Commissioners agreed the adjacent uses, traffic, privacy and sound issues and any use permitted by State, Federal and Local Laws are ok. Martha made a motion and Joe seconded to recommend to the Township Board to approve the site plan, motion carried unanimously.

Re: Up High. . Per Ken, the Findings of Fact for Ordinance 2018-02 have been satisfied. Commissioners agreed the adjacent uses, traffic, privacy and sound issues and any use permitted by State, Federal and Local Laws are ok. Motion made by Martha and seconded by Georgette to recommend to the Township Board to approve the site plan, motion carried unanimously. A motion was made by Mike and seconded by Martha to recommend to the Township Board to approve the site plan (grow) motion carried unanimously.

Re: Wineries. Jim referenced the Baroda Township Ordinance and stated our original recommendation stated more than just wineries. Ken said the Township Board can add to our recommendation if they wish to. A motion was made to send the original Winery Amendment back to the board with the addition of microbreweries.

Re: Short Term Rentals: Ken gave the following definitions regarding Short Term Rentals in the Ag District; B & B's: someone lives there. Air B & B's: Resident owner on site. A motion was made to pass on to the Board, Article 10 as written was made by Mike and seconded by Joe. All voted in agreement.

Public Comments:

The PC was thanked for their efforts. Frank Leman stated that everyone who has a property line within 300 feet of the Special Use Permits should get a letter.

At the next meeting, there will be a Public Hearing regarding the current special use permits. John said 2 new site plans received on Monday are going to Ken as he will not be available.

Motion to adjourn made by Mike, seconded by Martha, passed by unanimous vote. Meeting adjourned at 9:10 PM.

Respectfully submitted

Georgette Peterson