

**CENTERVILLE TOWNSHIP
PLANNING COMMISSION**

Lindy Kellogg, Chairperson; Rolf von Walthausen, Vice Chair;

Joe Mosher, Board Representative;

Mary Beeker, Secretary; Noel Bielaczyc, member;

Chris Grobbel, Planner

Centerville Township Hall

April 1, 2024, Regular Meeting, Approved Minutes

Call to Order: Lindy Kellogg, Chair, called the meeting to order at 6:32 p.m.

Attendance: Lindy Kellogg, Joe Mosher, Mary Beeker, Noel Bielaczyc, Rolf von Walthausen

- **Staff Present:** Township Planner, Chris Grobbel
- **Public attendance:** 4 in person

I. **Review Agenda**

- a. Agenda reviewed by Chair Kellogg.

II. **Public Comment Regarding the Agenda** - None

III. **Revise/Approve Agenda**

ACTION: Mosher moved to approve the agenda as presented; supported by von Walthausen. Motion carried.

IV. **Declaration of Conflict of Interest** – None

V. **Revise/approve Meeting Minutes:**

- Revise/Approve March 4, 2024, Monthly Meeting Minutes – misspelling of Lindy (Libby)

ACTION: Mosher moved to approve the monthly meeting minutes of March 4, 2024 as presented and amended; supported by von Walthausen. Motion carried.

- Revise/Approve March 20, 2024, Special Meeting Minutes – 2 misspellings to be corrected: Libby to Lindy; Barkley to Barclay. On pg. 3, should read “Annual Meeting of the Township Board.

ACTION: von Walthausen moved to approve the Special Meeting minutes of March 20, 2024 as presented and amended; supported by Beeker. Motion carried.

VI. **Report from Township Board Representative** - Joe Mosher

The Township Board met in March. The Board is appreciative of the work the Planning Commission is doing on the zoning ordinance. Updates to the fee schedule were discussed. Planner expenses exceed the fees that are collected. Mosher will bring to fee schedule back to them for approval when the updates are finished. Mosher was out of town for the Annual Meeting on March 23. Lindy Kellogg reported on the Annual Meeting. Short term rentals were discussed. Overall, the Annual Meeting went well. Kellogg requested that future Annual Meetings to not be held during the schools' spring break.

VII. Report from ZBA Representative

Bielaczyc went through the availability for meetings. It was suggested that the first day for the appeals process should be on May 7. May 21 would conflict with the Planning Commission meeting.

VIII. Zoning Administrator's Report

A report was not sent. There was a discussion about an old storefront building on Old Harbor Trail. The owners want to refurbish it, retain its character, and make it into a store and a B & B.

Kellogg brought up a possible request for a septic field and tank on farm land that is adjacent to her residence. It would require a special land use permit application. Tim Cypher was consulted about this. This is not permissible in Centerville Township. There is a complaint form but it is not available on the website. There needs to be an septic evaluation of the property and a Township Review of the septic process. Grobbel reviewed the history and reason for the present ordinance. There is a property in the Township that often receives septic tank cleaning trucks. The rules for the disposal of septic waste were discussed. Historically, there has been gross negligence of the septic waste disposal ordinance in Centerville Township. No applications have been received. Mosher will talk to the supervisor as to how each situation should be handled.

IX. Public Comment (limited of 3 minutes unless extended by Chair)

Jasmine Hairston introduced herself as a new Township residence. Welcome, Jasmine!

X. Planning and Zoning Issues

Business:

- Officer Duties Discussion

The recording secretary will send the first draft of minutes to Kellogg and Beeker. Kellogg and Beeker will review for content and edits/corrections and will notify the

recording secretary to make the corrections/edits. The minutes will be posted to the website as a draft.

There was discussion about where specific documents can be found, keeping digital copies and hard copies, and the safety of the documents. Kellogg donated a fire proof file cabinet to the Board Office.

Meeting agendas should be available 3 days prior to a meeting.

There was a question about a Planning Commission Ordinance. Grobbel explained that the Township has an enabling ordinance.

These items will need further discussion.

- Zoning Ordinance Update – Status, continuation of review, Version 8

Chris sent out version 8 to the Planning Commission members.

POINTS OF DISCUSSION

- A septic ordinance should not be part of the zoning ordinance. The Board would have to act on that. There has to be an inspection document stating the septic system is working properly prior to the sale of the property.
- Temporary outdoor land uses are a companion to the ag-related ordinances.
- An update to the mineral extraction section needs to be made in compliance with the Michigan Enabling Ordinance.-
- The Master Plan is approved after the zoning ordinance is completed.
- Grobbel feels the ordinance will be complete in May at which time it will be sent to the County. A public hearing will be held. Then the ordinance goes to the Board for approval. One of the Planning Commission's regular meetings could be a public hearing. The ordinance has to be available for two weeks for inspection and review prior to the public hearing. Also, the Enterprise needs one week of lead time to publish in the newspaper. We would need 3 weeks of lead time. Grobbel will figure out a lead time date.

DISCUSSION OF VERSION 8

- Page 14 gives a definition of "events". All references to sales were taken out of this section. Parameters of what is an event and what is retail is not in here. Events of a private nature (i.e. weddings) are not regulated.
- Section 3.22 – Ag-related enterprises. There is a 10-acre minimum for a farm operation. A maximum of 4 campsites is allowed. Activities are allowed from dusk to dawn with a quiet time starting at 10 p.m.
- Animal petting zoos are not allowed.
- There is more on page 65 about events. Events are restricted to 100 people. There can be no more than 2 events a month; 6 events per year. The rest of event language can be found in the wineries, meaderies and distilleries

section. A few questions arose: Are workers a part of the participants count? What about an open house when you don't know how many people will show up? How is a multi-day event counted? As one event? Or the number of days of the event? Is time to set up and break down part of the dawn to dusk?

Noise would be the main issue. It was decided to leave it as it is.

- Noise is covered under site plan and land use.
- Section C.5 in ag-related enterprises will be left as it is.
- The sale of alcoholic beverages can be 50% of products sold if it is a product directly from the farm. Other issues involving alcoholic beverages are covered by licensing from the State.
- There was discussion about the definition of a restaurant. On page 18, part of the definition refers to how the food is served. It was agreed that it would include ordering from a menu drive-through are not allowed.
- Restaurants can only be in a commercial district.
- There was discussion about food trucks. A food truck is considered a restaurant, so it is not allowed in a farm district. But in an event, food trucks are reasonable.
- A parcel defined as a farm does not have to have all of the property cultivated. Any amount can be cultivated. For a winery, if the parcel is 10 acres, 5 acres must be cultivated.
- USDA defines a farm as having ag-related sales of at least \$1000.
- On page 64, section C2: Remove parent parcel minimums and cultivation minimums.
- On page 64, #8: leave in compliance with GLAMPs. It is tied in to right to farm. It is encouraged, but not enforced.

REVIEW FOR NEXT MEETING

- Review sample from Grobbel on temporary outdoor land use to see if there is anything there we want to put in our ordinance.
- Review work we've done and highlight anything we still need to discuss..
- Review waterfront overlay, site plan review, and non-utility solar energy.
- Bielaczyc was absent from the last meeting and has a list of questions he would like discussed at the next meeting.

PUBLIC COMMENT

Derenda Lefevre – She commented on the importance of ADA throughout the ordinance.

Jasmine Hairston – She wanted to know about pop-up dinners and such. She will have an opportunity to review the ordinance and voice her opinions at the public hearing.

- Other Business: None

XI. Adjournment - The meeting was adjourned at 8:27 p.m.

Next meeting: April 11, 2024 at 6:30 p.m.

Respectfully submitted,

Cindy Kacin

Submitted written comment from Derenda Lefevre:

On Wed, Mar 27, 2024 at 1:50 PM Derenda LeFevre <derendalefevre@gmail.com> wrote:

Hello,

Thank you for keeping ADA in the conversation! I look forward to hearing the conversation on Monday.

I've spent some time streamlining the ADA language I've submitted in past public comment.

Please consider the following recommendations for ADA language inclusion in the Centerville Twp. Zoning Ordinances.

It's essential to include ADA...

- In sections of the ordinance that include requirements for new builds or renovations of current structures in places of public accommodation (Title III entities)
- Where other areas of compliance and their respective approval bodies are identified.
- To educate the public and guide them toward compliance.
- To make it an explicit requirement and help to guide your approval processes and determinations.

Article II: Definitions

Accessible/Accessibility - Refers to a site, facility, work environment, service, or program that is easy to approach, enter, operate, participate in, and/or use safely and with dignity by a person with a disability.

Accessible Design - minimum requirements – both scoping and technical – for newly designed and constructed or altered State and local government facilities, public accommodations, and commercial facilities to be readily accessible to and usable by individuals with disabilities.

Disability - A person is considered to be an individual with a disability covered by the ADA, as amended, when he or she has a physical or mental impairment which substantially limits one or more major life activities; has a record of having such an impairment; and/or is regarded as having such an impairment.

Effective Communication - Ensures that communication with people with disabilities is equally effective as communication with people without disabilities. (Braille, contrast, sign language, screen reader compatible materials, etc.).

Article III: General Provisions

Section 3.4 Permit Requirements

As a place of public accommodation, Title III of the Americans with Disabilities Act applies to the following facilities and districts as well as the Standards for Accessible Design, and Standards for Effective Communication. The facility and site design, structures and

amenities, pathways and connectors, service plans, employment practices, communications, signage, lighting, private or public passenger vessels, parking, etc. adhere to the ADA and have been reviewed and approved by a qualified professional.

Agricultural-Related Enterprises

Bed & Breakfasts

Wineries, Meaderies, Distilleries, and Ciders

Commercial Resort District

Resort District

Business District

Agricultural District

Churches and religious institutions or private residences are not required to comply.

Article X: Governmental District

Title II is the section of the ADA which covers the access to and participation in state and local government benefits, activities, and services by people with disabilities. Title II requires that State and local governments give people with disabilities an equal opportunity to benefit from all of their programs, services, and activities (e.g. public education, employment, transportation, recreation, health care, social services, courts, voting, and town meetings).

Article XIII: Procedures For Site Plan Review

Section 13.1.B. a.

15. Written accessibility statement relative to site design, structures and amenities, parking, pathways and connectors, entrances, signage, lighting, service plans, employment practices, communications, private or public passenger vessels, parking, etc. This required accessibility statement shall also detail how the proposed site plan complies with the Americans with Disabilities Act of 2010, as amended, Title III, Standards for Accessible Design, and Standards for Effective Communication which prohibits the discrimination on the basis of disability in public accommodation and commercial facilities including services and site design, and ensures that communication with people with vision, hearing or speech disabilities is equally effective as communication with people without disabilities.

Section 13.1.B.b.

27. Identification of accessible features including but not limited to structures and amenities, parking, pathways and connectors, entrances, signage, lighting, service plans, employment practices, communications, private or public passenger vessels, etc. Proof of Review and Approval by a qualified professional, of ADA compliance in site design and services in the form of a seal, official letter, etc.

Section 13.1.G.a.

18. The site plan has been reviewed for ADA compliance by the Disability Network of Northern Michigan.

Section 13.1.L.a.

8. A significant reduction in accessibility features as originally provided.

Article XVI: Administration

Section 16.9 Public Notification

B.5 Amended

Handicap access: Information concerning how handicap access will be accommodated if the meeting facility is not handicap accessible. The public hearing will be held at a facility that is accessible for people with disabilities, and incorporates effective communication strategies including but not limited to sign language interpreter, large print materials, screen reader compatible materials, etc. Promotional material should state what access needs have been addressed (i.e. ASL interpretation, wheelchair access, etc) and ask people to write or call to inquire about specific accessibility concerns.

Article XVIII: Zoning Board of Appeals

18.5 Public Meetings

The public hearing will be held at a facility that is accessible for people with disabilities, and incorporates effective communication strategies including but not limited to sign language interpreter, large print materials, screen reader compatible materials, etc. Promotional material should state what access needs have been addressed (i.e. ASL interpretation, wheelchair access, etc) and ask people to write or call to inquire about specific accessibility concerns.

Thank you,

Derenda LeFevre, CTRS

Submitted written comment from Barclay Welch:

April 1, 2024

Dear Planning Commission and Chairwoman,

I deeply appreciate the thoughtfulness and care you have exhibited in addressing many of the topics and issues, that is why I write. My comments are informed by a 35+ year career in commercial real estate during which I built a company specializing in adaptive reuse of sites and buildings in major metro markets. I have rezoned major parcels in Chicago and Los Angeles, established TIFs and Special Use Districts and even got HUD to relax rules so a 218 unit subsidized residential high-rise on Chicago's lake front could be fully renovated into an award winning project.

I believe three issues discussed in the last meeting need further consideration. These are -

1. The nature of SUPS
2. Enforcement
3. What people are asked to share

Addressing the last first. You are the government and have its full power. You can ask for anything you want in order to determine the appropriateness of a petitioner's request. Of course it must be germane and relevant but why not ask for and receive IRS documents? Why contort a straight forward process because someone doesn't want to share something. Otherwise how do you make informed decisions regarding issues like sponsorship, liability, enforcement or appropriateness. It can't be that you don't get to see a ground lease just because a party says so, how does one know what the real estate taxes should be if one doesn't know the economics?

The nature of SUPs presently appears to be a mix of business licensing and land use management. Certainly some issues call for durability, such as septage burial or the establishment of a zoned business area to encourage commercial development in an organized coherent manner and so municipal services can be delivered. Capital investment will want and expect predictability. When zoning permissions veer into business, a mismatch occurs. Zoning is not a business regulation tool. Presently it appears that a business, once permitted to locate in a particular spot using a SUP is there forever, unless complaints get lodged and the SUP revoked. How will the Township manage operators always taking just a few more liberties, not so much as to be egregious or actionable but enough to potentially make a lot more money and annoy residents and change the character of the Township. Imagine an operator who has the right to host weddings in the summer months and then starts hosting them year-round. Or a venue that has tastings and then starts hosting bands in the evening, who doesn't like music with their cider/wine/distilled spirits? I can't imagine how difficult and uphill the fight would be to revoke their SUP. In addition, zoning is a lagging enforcement tool and is not designed to address immediate troubles. I would like to encourage the PC to think about and make some aspects of the present SUP permissions either personal to the applicant or limited in time. Either approach would not limit the PC from granting the same rights to a contract purchaser or to extend the rights for more time. The clear benefit is that the PC retains control over the future character of the township. Presently we rely on the

character of the operators we have known for years and who are reliable, but who will be the next operator and which private equity group is backing them?

Enforcement is critical. During the discussion it was observed that a 25% increase in a zoning approval can create substantive change with little oversight. That is certainly correct. If a site has permission for 2 weddings a month but hosts 3, that is a 50% increase. A far bigger deviation from approvals granted by the PC than the amounts that caused concern for the group. I believe it is in the interest of the Township to deal with bad behavior and that the PC must know about it and participate in the assessment of fines or penalties. If an operator could make \$35,000 hosting a wedding in violation of the SUP and doesn't face forfeiture of that money in addition to a fine there is no disincentive. The operators are profit maximizers, we should not be surprised when they flout the rules because they can make more money. If an approach like this is not manageable then it further supports the idea of making certain business approvals personal and limited in time. **We can see that these troubles will occur** and waiting for complaints without a remedy will invite the destruction and loss of the Townships character permanently.

Barclay Welch
5541 E Hohnke Road
Cedar, Michigan