

BAY TOWNSHIP PLANNING COMMISSION

March 5, 2019 MEETING MINUTES

APPROVED

CALL TO ORDER

Dave Skornia called the meeting to order at 7:03PM and led with the Pledge of Allegiance. Also in attendance were Steve Van Dam, Wendy Simmons, Lynn Maxwell, Joe Jones, Xavier Gaudard, and Jamie Shepherd. Zoning Administrator Ron Van Zee was absent (excused).

PRIOR MEETING MINUTES

MOTION by Maxwell, seconded by Gaudard, to dispense with the reading of the February 5, 2019 Planning Commission regular meeting minutes, passed upon unanimous affirmative vote of the Board Members.

MOTION by Simmons, seconded by Maxwell, to approve the February 5, 2019 Planning Commission regular meeting minutes as amended, passed upon unanimous affirmative vote of the Board Members.

AGENDA APPROVAL

MOTION by Maxwell, seconded by Shepherd, to approve the agenda as presented, passed upon unanimous affirmative vote of the Board Members.

PUBLIC COMMENT

None received.

BAY TOWNSHIP RECREATION SUBCOMMITTEE UPDATE

Skornia updated all on recent Parks & Recreation activities:

- Submitted three Charlevoix County Parks millage applications for road end/park improvements at Camp Sherwood Park, Eagle Island road end signage/bench and Franklin Avenue signage/bench.
- Board of Trustees requested written quotes for tree removal at Camp Sherwood and Sumner Road boat launch area onto Walloon Lake.

ON-SITE OF ALCOHOL IN AGRICULTURAL ZONING DISTRICT

Because of the poor weather conditions, the Planning Commission had a conference call with Planner Claire Karner to discuss the planning commission agenda items:

On-site Sale & Consumption of Alcohol

Skornia explained the Board of Trustees asked the Planning Commission to explore the issue of allowing the sale **OF ALCOHOL FOR OFF-SITE CONSUMPTION** and ~~on-site consumption of alcohol within the Agricultural Zoning District and provisions related to special land use permits.~~

Karner summarized her review of the zoning ordinance and various other aspects of this topic as follows:

- Per the Bay Township Zoning Ordinance purpose statement (Section 2.1), the zoning ordinance purpose is “*to encourage the use of lands and resources in accordance with their character and adaptability*” and “*to create and maintain safe and favorable conditions for living, economic activity, and recreational activities.*”
- The Bay Township Zoning Ordinance Section 8.2, describes a permitted use in the Agricultural Zoning District as “*roadside stands for the sale of produce raised on the premises.*”

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- Zoning Ordinance Section 8.3 identifies various “Special Uses” allowable within the Agricultural Zoning District. One of the special uses are “Special Events and Activities”.
- The Zoning Ordinance permits (and encourages) agritourism within the Agricultural Zoning District.
- Zoning Ordinance Section 4.33 Special Events and Activities states “*Typical special events and activities include, but are not limited to, weddings, nonprofit benefits, wine and catered food events, seasonal natural events, vineyard harvest festivals, receptions, parties, picnics, barn dances, educational conferences, and agricultural research*”.
- Michigan Right to Farm Act defines a “farm operation” as the operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products.
- The Bay Township Zoning Ordinance allows the planning commission to approve “Special Land Use” permits. The underlying purpose behind a special land use permit is to place added protections to ensure harmony of adjacent land uses and to protect and preserve the quality of the Township’s residential, agricultural, and scenic resources.

Karner also stated that in her review of the zoning ordinance, there are no regulations that specifically prohibits or allows the on-site sale and/or consumption of alcohol.

Lavender Hill Farms owner Bill Mansfield was present to explain their farm operations relating to the on-site sale and consumption of alcohol. Mansfield explained that Lavender Hill Farms has a Specially Designated Distributor (SDD) license, which allows a business to sell spirits and mixed spirit drinks in the original package for consumption off the premises, and a Specially Designated Merchant (SDM) license, which allows a business to sell beer and wine in the original package for consumption off the premises. Because Lavender Hill Farms hosts events such as weddings, birthday parties, and Chamber of Commerce business after hours events, consuming spirits (such as margaritas) on-site is prohibited, and they would like to be able to consume spirits on-site, thereby requesting the Board of Trustees adopt an resolution allowing the sale of spirits for on-site consumption.

After listening to Mr. Mansfield’s presentation, the planning commission deliberated extensively on the various portions of the zoning ordinance relating to agricultural activities, agritourism, special use permit requirements, and special events & activity regulations, as they pertain to the on-site sale and consumption of alcohol.

MOTION by Van Dam, seconded by Maxwell that after extensive deliberation and review of the Bay Township Zoning Ordinance, more specifically Bay Township Zoning Ordinance Article 4.33 “Special Events and Activities”, Article VIII “Agricultural Zoning District” and Article XIII “Special Uses”, the Bay Township Planning Commission agrees the Zoning Ordinance permits the on-site sale of alcohol for off-site consumption and also activities where alcohol is consumed on-site at Special Events & Activities within the Agricultural Zoning District, passed upon unanimous affirmative vote of the Board Members.

Special Use Permit Zoning Ordinance Amendment

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Karner stated that nearly a year ago the planning commission agreed to a zoning ordinance Article XIII "Special Uses" text amendment that would require the applicant to file the approved Special Use Permit with the Charlevoix County Register of Deeds within 45 days of approval.

Skornia further explained that this amendment was suppose to be "bundled" with the recently approved amendments, but was forgotten.

MOTION by Van Dam, seconded by Gaudard to forward onto the Charlevoix County Planning Commission the proposed Bay Township Zoning Ordinance text amendment to Article XIII "Special Uses" requiring the applicant to file the approved Special Use Permit with the Register of Deeds within 45 days of the approval, passed upon unanimous affirmative vote of the Board Members.

The planning commission also agreed to start a file which lists/summarizes all the approved Special Use Permits to-date.

Master Plan Chapter 8 Update

Karner summarized the most recent Chapter 8 updates. The planning commission made the following corrections:

- Page 2 – deleted language relating to developing driveway requirements, as they already exist.
- Page 3 – replace "small town" with "rural".
- Page 6 – delete last sentence in "Village Overlay" section.
- Page 6 – revise language in "Outdoor Wood Furnaces" section.

Karner stated the updated Master Plan Chapter 8 document has to be forwarded onto the Board of Trustees, who is responsible to advertise the proposed text amendments.

MOTION by Simmons, seconded by Maxwell to forward the updated Bay Township Master Plan Chapter 8 onto the Bay Township Board of Trustees, so they can take action on distributing the updated document, and schedule the required public review period, passed upon unanimous affirmative vote of the Board Members.

ZONING ADMINISTRATORS REPORT

No report.

BOARD OF TRUSTEES REPORT

Note: See the Board of Trustees February 14, 2019 minutes for further detail.
Simmons reported on the Board of Trustees February meeting.

ZONING BOARD OF APPEALS

Gaudard stated they have a March 6th variance hearing.

OTHER

Simmons stated she will get the zoning ordinance reprinted, which will include all the text amendments to-date; Vanek will incorporated the text amendments into the document and forward onto Simmons and Gaudard.

PUBLIC COMMENT

None received.

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ADJOURNMENT

MOTION by Maxwell, seconded by Van Dam, to adjourn the meeting at 8:58PM, passed upon unanimous affirmative vote of the Board Members.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James G. Vanek". The signature is fluid and cursive, with the first name "James" and last name "Vanek" clearly distinguishable.

James G. Vanek
Planning Commission Recording Secretary