

**Lake Township Planning Commission
Regular Meeting and Public Hearing
December 8, 2021**

Unapproved Minutes

The meeting was called to order at 7:00 by Siver.

Roll call. Nicole Collins, Bob Siver, Tim Lalley, Keith Hoffman all present.

Supervisor Valerie McCallum, Zoning Administrator Tory Geilhart, applicants Mark Anderson and Alicia Tatham and 5 guests were also present.

Approval of Agenda: Motion made by Collins to accept the agenda, seconded by Hoffman. All ayes – passed.

Approval of Minutes: Motion made by Collins to approve the November 3, 2021 Minutes, seconded by Lalley. All ayes – passed.

Public Comments: None

Public Meeting Opened at 7:03 p.m.: Notice of Public Hearing read by Chairperson Siver.

Correspondence: None

Public Comments: Guest Bill Goretski of Hume Township stated that he is in favor of the lavender farm as it will be a 100% improvement and will be nice looking. Guest Taher Alashmaly of Lake Township stated he is also in favor of the lavender farm as it will bring more revenue to the area as well as tax revenue for the township.

Public Hearing Closed at 7:10 p.m.

Resume Regular Meeting.

Correspondence:

Siver asked the PC members if there were any questions on the monthly reports. Siver questioned Geilhart on the complaint of horses on the beach. Geilhart advised that the complaint was regarding a horse and rider galloping down the beach and the horse defecated on the sand. He advised he referred the complainants to the DNR. Lalley asked if horses are allowed on the beach as are dogs. Tory advised that is a question for the DNR.

Siver referred to Mark Eidelson's letter dated November 27, 2021 addressing questions Collins had presented to Eidelson. Siver read question and answer #1. Siver emphasized the last sentence in which Eidelson wrote "If an applicant is unwilling to accept a proposed condition, this may result in a basis for the denial of the project..." and advised that the applicants have been receptive to conditions of overflow parking. Collins stated she would like to see on the final site plan where the overflow parking could be if needed.

Siver read question and answer #2. Siver & Lalley stated it was a good question. No further comments.

Siver read question and answer #3. No comments.

Siver read question and answer #4. Siver suggested this may be the time to discuss any conditions. Collins stated she would like to have the condition on this PUD, which should not impact the design, that the crop grown is lavender exclusively. Applicant Anderson asked about the growing of other crops, such as sunflowers and asked if the condition could be worded a little differently other than not marijuana. Collins stated that's not the issue; the PUD is being developed as a lavender farm, so there shouldn't be an issue with the condition being lavender. The applicants asked what if they wanted to do anything else, such as grow daisies. Siver stated the PUD is specific to lavender. Anderson stated the project is going to have pathways for sitting and there will be different types of flowers. Hoffman stated that the PUD is for lavender and normal landscaping is fine but to grow other things for sale is something that the applicants shouldn't be able to do unless leeway can be given to allow certain things to be grown. Anderson stated they are looking to put bouquets together to sell and asked if that would, in the future, be a permit if they want to grow something to go with a bouquet of lavender. Lalley stated it's a great idea but this is the first time he has heard of anything else being grown to sell with the lavender and maybe this should be hashed out now if the applicants are going to grow anything other than lavender. Anderson stated he doesn't know if other crops are going to be grown at this point but may be in the future. Tatham asked what the process would be to get additional crop approval; would they have to go through another year and a half with the township for approval? What would the process be five years down the road; is it a simple addition to the PUD or a whole new process. Hoffman asked McCallum if there is a simple process to allow an addition to this PUD in the future. McCallum stated that is something that will have to be referred back to Eidelson.

Hoffman asked the PC members if they wanted to put conditions on now to allow expansion beyond the lavender. Siver stated that he is interested in that but the PC needs to include the proper language.

Siver referred to question #5.

Lalley asked if there is anyway the PC could act on the conditions to keep this process going. Anderson stated the building is falling apart and something needs to be done soon.

Siver read question and answer #6. A discussion took place regarding necessary permits. Siver questioned Eidelson's statement "...depending on the working of a PUD conditional approval, the township may miss its opportunity to monitor the status of the permits yet to be issued and thereby be uninformed as to the project's status." Collins

gave an example that if the health department did not issue a well and septic permit, the township may not know it. Tatham stated they will not pull any permits until the PUD is approved.

Hoffman stated that he sees it as the PC can grant initial approval to submit to the Township Board and things can begin to happen and then the final approval comes when all things are in place.

McCallum stated this is new to her but she thinks what Eidelson is saying is that PC can say, you can do 'this' or 'this' but you can't go any farther than 'that' until you get final. The PC needs to be specific in their recommendation and it's up to the Township Board to agree with the PC. Collins asked if the PC can make that recommendation tonight. McCallum stated the PC should be specific with any of the conditions so there isn't an issue with what was meant. Siver stated one obvious condition is regarding crop growing. Lalley asked if the PC can make a proposal based on certain conditions and move forward with the conditions. Siver stated it is in the last month's Minutes that no further work be done on the site until final approval has been given. The PC is in an uncomfortable position and the Township needs to be protected for future projects, if any.

Tatham stated she doesn't understand the concern. They are not doing anything more; they heard clear at the last meeting. The plants they put in were at their own risk and they can move them to a different township. However, the building is falling apart and nothing is being done. Anderson stated that two township people in the room met them at the property and they said they will pass this as fast as they can, it's a beautiful project; it is now 14 months later. Siver stated he's not sure he said that and stated Anderson might be taking a lot of freedom paraphrasing him there.

Siver asked the PC members what their thoughts are on this matter; there are a couple of choices. It can be brought to the Township Board with the recommendations of the PC and conditions and trust the Board to come up with the right language. Hoffman stated he sees two conditions; one of the conditions is what can be grown, and that wording should be fairly easy, and the other condition to make sure everything is in compliance with the various other agencies as well as all permits being drawn. If those conditions are outlined, it allows the PC to have some language with a certain amount of protection and it's then shipped to the Board.

Siver stated the conclusion and decision is to go forward with the PUD. The basis for the PC's decision is that they have met the conditions and have been granted the necessary waivers and any recommended conditions relating to an affirmative decision.

Hoffman states he has three areas of conditions:

1. Parking (overflow)
2. Crop grown (language for what can be grown)
3. Project conforms to all requirements and conditions under state, county, township and any other agencies that may be involved.

To clarify the site plan and building permit requirement, McCallum stated the final site plan has to identify all the permits that are needed including liquor control. If the site plan

is approved, then building permits can be applied for. There are certain permits that may be required before a building permit can be issued. Tatham stated she understands that they have to identify all permits but they do not have to obtain the permits until the final site plan is approved.

Geilhart stated it might be worth asking Eidelson what the process is to modify a site plan in the future. How involved an approval would be to amend a PUD. Lalley stated the question to Eidelson might be how easy is it to amend this PUD in the future if the applicants decide to grow other crops.

McCallum stated because this property is agricultural there is the right to farm so there needs to be specific language on the PUD on what can be farmed.

Siver asked what percentage of crop grown is relative to lavender and what percentage is relative to other flowers grown to make a bouquet. Anderson stated it all depends and if they were to buy more property would they have to go through this process every time they want to put more plants in the ground. McCallum stated that the PUD is for this property in question. If more property is bought, it is not part of the PUD. This zoning amendment is for the property in question. Any property bought around the property in question is zoned whatever it is. Anderson asked if they bought more property, would they have to go through the same process all over again. McCallum stated that if it's to be a part of the PUD it would have to be rezoned. McCallum further stated that she had had a conversation with Anderson about buying the property next to the property in question. McCallum further stated that if that is still the plan and they want the two (2) properties attached, that should be done now while the PUD can be amended. Anderson stated they are not sinking another dime into the property until they get approval.

Siver stated his question was, if you grow lavender and you want to create bouquets of flowers, what percentage of the crop should be devoted to lavender relative to any other flowers that go in the bouquet? Anderson stated if they can't combine the other property they have nowhere to grow flowers so it's a moot point at this time. Siver stated so the condition is it's exclusively lavender to grow for sale.

Hoffman stated this process is new to the PC and it's a learning curve for everyone. Hoffman suggested sending the PC's recommendation to the Township Board soon but still consider conditions to grow additional flowers, etc. giving leeway for other plans down the road. Tatham suggested a generic flower.

Siver stated the PC is in agreement to send the application to the Township Board with the three (3) conditions:

1. Parking (overflow)
2. Crop grown (language for what can be grown)
3. Project conforms to all requirements and conditions under state, county, township and any other agencies that may be involved.

Motion by Lalley to send application with the three (3) conditions to the Township Board, seconded by Collins. All ayes – passed.

Tatham asked what the next steps are. McCallum stated it will go to the Township Board on December 20, 2021 at 6:30 p.m. for their decision.

New Business: None.

Old Business:

Recreation Plan – Collins will have typed up. Remove from agenda until ready to submit.

Master Plan & Draft Zoning Ordinance: Solar – Siver stated to move to next month's agenda so that more time can be given.

Public comments: Geilhart reiterated that the question should be posed to Eidelson on how to make an addendum to a PUD. McCallum stated it's the same process for re-zoning; it shouldn't be as difficult because we've been through it.

Motion to adjourn made by Collins, seconded by Hoffman. All ayes – passed.

Meeting adjourned at 8:40 p.m.

Next meeting January 26, 2022 at 7:00 p.m.

Submitted by Lisa Clinton