

**MINUTES SILVER CREEK TOWNSHIP
PUBLIC HEARING AND REGULAR PLANNING COMMISSION MEETING HELD
ON APRIL 24, 2019**

The Planning Commission Public Hearing was called to order by Chairman Terry Harris at 7:00 p.m. on Wednesday, April 24, 2019. The Pledge of Allegiance to the Flag of the United States of America was recited.

MEMBERS PRESENT: Jon Tidey, Nick Barnes, Tim Feirick, Terry Harris, Debbie Brown, Dave Grabemeyer

MEMBERS ABSENT: Bill Zuhl

OTHERS PRESENT: Recording Secretary Lindsay Krohne, Building/Zoning Administrator Todd Herter, members from the public

MOTION TO APPROVE APRIL 24, 2019 PUBLIC HEARING AGENDA

Debbie Brown motioned to approve the April 24, 2019 Planning Commission public hearing agenda. Tim Feirick seconded. Motion passed by voice vote.

READING OF PUBLIC NOTICE

Secretary Jon Tidey read the Public Notice explaining the reason for the public hearing, being the amendment of Section 155.078 AR Agricultural/Rural Residential District, (C) Special Land Uses to include (11) Rental Halls and Section 155.185 Rental Halls.

Chairman Terry Harris stated that the Planning Commission is looking for any input either pro or con regarding the amendment.

PUBLIC COMMENT

John Gould stated that he doesn't see a reason not to allow rental halls in the township.

There were no written comments received.

COMMISSION DISCUSSION

Chairman Terry Harris stated that the commission members had been sent material from the Annual 2019 MTA Education Conference titled "Event Barns: Avoid the Pitfalls" for their review.

Terry explained that the ordinance would be a special land use and he referred to specific items listed in the proposed amendment.

Terry explained that this is a township wide ordinance and not specific to the Gould property.

Tim Feirick questioned if the special use would expire, or be in effect for as long as it's in operation. Building/Zoning Administrator Todd Herter answered that you can have it either way depending on what you put into the ordinance. Todd referred to the haunted house in Niles, explaining that they have to go before the Planning Commission for review, to add any additions, new construction, any change to the outside of any of the structures, adding a decorative haunted house theme on the side of one of the buildings, etc. Discussion followed.

Dave Grabemeyer questioned how the rental halls would be classified, and Todd answered that he is treating it as commercial because the public is coming in, and there is no farm equipment being stored there.

Terry Harris referred to the wedding barn in Jones, explaining that they had enough egress exits to avoid a full blown sprinkler system and got away with only being required to have extinguishers. He added that they do not allow any food prep there.

Discussion regarding House Bill 5947 took place, and members were unsure if anything new had happened since it was introduced in May 2018.

Building/Zoning Administrator Todd Herter suggested requiring a letter from the county road commission or state highway approving the driveway location for venues. Mr. Gould stated that the location is at the bottom of a hill and could be a potential for accidents. Discussion followed about the possibility of a reduced speed or hidden drive sign being placed. Todd added that the township requests signs for deaf child areas, etc. so he is not sure if it would be the same for this type of situation.

Terry asked Mr. Gould if they have any close neighbors, and he answered no, the closest neighbor is across the road in the log cabin.

Terry suggested adding a few things to the proposed ordinance and sending it to Roxanne for review.

Nick Barnes referred to number seven in the ordinance draft about sound amplification. He agreed that it makes sense for music, but questioned sound amplification for an outdoor ceremony and if they wanted to limit it to certain hours of operation.

Terry asked Todd if he often receives noise complaints, and Todd answered maybe three times a year, mostly from neighbors around the lakes. He added that they do have a portion of the ordinance that talks about fumes, dust, light, and sound but it is vague and almost unenforceable. Todd referred to a complaint within the last year from the neighbor of someone installing an outdoor stereo system. He stated that our attorney explained that if the neighbor can prove it, then it is enforceable.

Terry Harris asked if BT's Pub has any outdoor music, and Mr. Gould stated that they do have loud music outside. Debbie Brown added that they may, because they have outdoor seating in the summer. Todd stated that he has had no complaints about any business regarding loud music.

Terry stated that they should also put a restriction on fireworks, even though it should already be addressed in the venue owner's contract.

Terry closed public comment at 7:33 p.m.

MOTION TO CLOSE PUBLIC HEARING

Dave Grabemeyer motioned to close the public hearing. Nick Barnes seconded. Motion passed by voice vote. The public hearing closed at 7:34 p.m.

REGULAR PLANNING COMMISSION MEETING

Terry Harris called the regular Planning Commission meeting to order at 7:35 p.m.

MOTION TO APPROVE APRIL 24, 2019 REGULAR MEETING AGENDA

Dave Grabemeyer motioned to approve the April 24, 2019 Regular Planning Commission Meeting agenda. Debbie Brown seconded. Motion passed by voice vote.

MOTION TO APPROVE MARCH 28, 2019 MINUTES

Dave Grabemeyer motioned to approve the March 28, 2019 Planning Commission meeting minutes. Debbie Brown seconded. Motion passed by voice vote.

COMMUNICATIONS

None.

PUBLIC COMMENT

None.

TOWNSHIP ATTORNEY'S REPORT

None.

ZONING BOARD OF APPEALS REPORT

Dave Grabemeyer reported that the Zoning Board of Appeals denied a request for a 2' variance on a 7' side yard setback to construct a new home on April 3, 2019. He also reported that the Zoning Board of Appeals will meet on Thursday, April 25th, for a continuation of the April 3, 2019 ZBA hearing for Mr. Zeiler.

BUILDING/ZONING ADMINISTRATOR'S REPORT

Todd Herter asked the board to once again consider a rental ordinance. He added that there is a guy in the township who bought two more places to rent out, and has completed 1/3 of the work

without permits. He added that there are very few people around who don't know that you need permits.

Todd explained the benefit of a rental ordinance limiting the occupancy load. Todd stated that there are dozens of rentals around the lakes that he gets complaints about regarding occupancy, and many are on Garrett Road where there are often half a dozen vehicles as well as tents in the yard.

Todd explained that limiting the number of people on the rentals would benefit neighbors. Discussion followed.

Todd also referred to an instance where he received a complaint from someone who arrived to the home they rented for the week to find extension cords being used on the kitchen counters and several other safety violations.

NEW BUSINESS

REVISION OF SECTION 1550.078 AN AGRICULTURAL/RURAL RESIDENTIAL DISTRICT, (C) SPECIAL LAND USES TO INCLUDE (11) RENTAL HALLS AND SECTION 155.185 RENTAL HALLS

Chairman Terry Harris stated that he doesn't think they are ready to approve the draft, and a few items need to be added before sending it to the attorney for review.

Todd Herter questioned the wording "Rental Halls" as it could mean different things and they are considering wedding barns. Discussion followed. Debbie Brown asked if they want to add "wedding barns" or "wedding venues" to the wording. Jon Tidey suggested using the wording "Event Halls" and all agreed.

Mr. Gould asked if they are still pondering the whole question for another month, and Terry Harris answered yes.

UNFINISHED BUSINESS

SOLAR ENERGY ORDINANCE

Terry Harris questioned everyone if it was their understanding that they were finished with the Solar Energy Ordinance and that it had gone to the Township Board for approval, and all answered yes. Recording Secretary Lindsay Krohne explained that the last Township Board meeting minutes indicated that it was still being reviewed by the planning commission. Terry stated that he would talk to Bill Zuhl to find out the status.

COMMISSION MEMBER DISCUSSION

None.

PLANNING COMMISSION MEETING DATE

Chairman Terry Harris stated the next Planning Commission meeting will be held on Wednesday, May 22, 2019.

MOTION TO ADJOURN

Dave Grabemeyer motioned to adjourn the meeting. Debbie Brown seconded. Motion passed by voice vote.

The meeting was adjourned at 8:06 p.m. by Chairman Terry Harris.

Respectfully submitted,

Lindsay Krohne
Planning Commission Secretary

Jon Tidey, Secretary

To be approved at the May 22, 2019 Planning Commission meeting