

APPROVED

Eveline Township Planning Commission Meeting Minutes
Regular Meeting
November 2, 2022
7:00 P.M.

- 1) Call to Order:** The meeting was called to order at 7:00 P.M. with the Pledge of Allegiance by Chairman Kelly McGinn.

Commissioners present: Kelly McGinn, Eric Beishlag, Prudence Kurtz, Lorraine Sims and Will Trute. Recording Secretary Sandi Whiteford and Zoning Administrator Deb Graber were also present as well as Ellis McQuillan, Dan Burks, Susan Parks, Nancy Ferguson, Richard Mueller, Valerie Lewis, and Kevin Pearsall.

- 2) Agenda:** Commissioner Beishlag made a motion to accept the agenda as presented. Motion supported by Commissioner Sims. Motion carried.

- 3) Public Comment:** No public comment received.

- 4) Minutes:** Motion by Commissioner Kurtz, supported by Commissioner Beishlag to approve the October 5, 2022 minutes as written.

- 5) Hungry Ducks 1 Year Review Continued:** Chairman McGinn reviewed information presented at the October 5, 2022 meeting and asked if anything new was to be presented. Mr. Mueller introduced the Charlevoix Chamber of Commerce Director, stated that he spoke with Raven Hill, during the season they are open 7 days and are allowed to pick and choose days, times and presentations that help maintain sustainability. He would like the flexibility to test and try different activities. Hungry Ducks is trying to become an asset to the community and be sustainable. Charlevoix Chamber Director stated that Hungry Ducks is for children and families. To permit activities that would allow the business to be sustainable would be a significant asset to the community. Nancy Ferguson asked if he followed what was set for them. Because of requested changes, is this a new special use? Raven Hill has one neighbor; noise is limited to items made by children attending. Commissioner Beishlag stated that the Planning Commission has no knowledge of what permits Raven Hill received or how they were acquired. Hungry Ducks and Raven Hill cannot be compared. Building permit issued by the Zoning Administrator and/or approved by Planning Commission. Mr. Mueller erected 2 tents, 40x60 and 40 x 40 for covered areas.

The Planning Commission reviewed stipulations in place.

Item 1, Mr. Mueller requested to allow Hungry Ducks to operate until the Sunday after Halloween. The Planning Commission agreed to allow operation May 1 through the Sunday after Halloween unless Halloween is on a weekend. They will then close the weekend of Halloween.

Item 2, Mr. Mueller requested flexibility for opening on Tuesday. Nancy Ferguson expressed concern over extending timelines. Commissioner Trute commented that the nature of the business limits the feasibility of being open through Thanksgiving and or Christmas. Following discussion, the Planning Commission will permit opening on Tuesdays for special events, defined as, community/county holidays or events only.

Item 3, Mr. Mueller requested to extend hours of operation from 8 a.m. to 8 p.m. for adult dinners. Nancy Ferguson expressed concern over wanting to keep the big barn open for eating space. Commissioner Beishlag stated farm enterprise was presented to the Planning Commission, restrictions are in place because that is what we want to hold it to. Planning Commission approved 9.00 a.m. through 6:00 p.m.

Item 4, Mr. Mueller requested by appointment operation to be allowed for the month of April. Following discussion, the Planning Commission agreed to the Month of April by appointment only.

Item 5, Mr. Mueller requested the train be allowed a bell or a horn as it will be placed behind the buildings, limiting sound travel. Following discussion, the Planning Commission specified the train may not have a horn or a bell.

Item 6, Following discussion, item 6 will remain as is.

Item 7, Following a short discussion, Item 7 shall remain as is.

Item 8, Fence is completed and shall remain.

Item 9, "No Parking signs shall be posted by the applicant along Shaw Road

Item 10, Overflow parking may access Shaw Road to enter the property

Item 11, Following completion of the 2023 year of operation the Applicant shall issue a report to the Planning Commission at its regular November meeting, outlining number of visitors, estimated number of vehicles, and any additional information requested by the Planning Commission

Items 12, 13, 14 and 15, shall remain as written.

Items 16 and 17, removable tents allowed as specified.

Item 18, Following discussion, removable tents may be erected on Memorial Day and must be removed by Labor Day.

Item 19, Following discussion, a walking path is allowed.

Item 20, Following discussion, a 4 feet removeable pallet maze is allowed.

Item 21, Following discussion, food service is not allowed.

Stipulations regarding Hungry Ducks Special Use Permit

1. Use of the property for the Agricultural Related Commercial Enterprise, also known as the Hungry Ducks, shall be limited from May 1 through the Sunday after Halloween unless Halloween is on a weekend, they then will close the weekend of Halloween.
2. Days of operation Monday through Sunday; open Tuesdays for special events, defined as, community/county holidays or events only.
3. Hours of operation Monday and Wednesday through Monday 9 a.m. until 6 p.m.; Tuesdays for special events 9 a.m. until 6 p.m.
4. Hungry Ducks may operate during the month of April by appointment only.
5. The small 7.5" train may not have a horn or a bell. The use of a bell, horn or whistle is denied.
6. The carousel shall be allowed without music.
7. The hayride (tram) shall be allowed
8. A fence four (4) feet in height based on the picture submitted in the application shall remain.
9. "No Parking" signs shall be posted by the applicant along Shaw Road.
10. Overflow parking may access Shaw Road to enter the property.
11. Following completion of the 2023 year of operation the Applicant shall issue a report to the Planning Commission at its regular November meeting, outlining number of visitors, estimated number of vehicles, and any additional information requested by the Planning Commission.
12. Based on the 2023 year of operation report the Planning Commission may request modification of any of the conditions, and add additional conditions as warranted by the evaluation.
13. When the property is sold or transferred to another entity; natural or corporate, the carousel and the trains(s) shall be removed from the property.
14. Parked buses shall not be allowed to idle.
15. The Township has the right to enter the property to make periodic observations and inspections.
16. A 40' x 40' removable tent may be erected for bicycle storage.
17. A 40' x 60' removable tent may be erected. Ten feet used for shade for animals and 50' used for toddler shaded area.
18. Removable tents are allowed from Memorial Day to Labor Day.
19. Walking path is allowed.
20. Pallet Maze 4' tall and movable is allowed.
21. Food Service is not allowed.

Commissioner Beishlag made a motion to approve the revised stipulations for Hungry Ducks. Commissioner Trute supported the motion. Motion approved.

- 6) Noxious Weed Ordinance Review of Attorney Graham Comments:** Following Commissioner review and discussion of Attorney Graham Memo regarding Noxious weed proposed ordinance changes, the Commissioners expressed concern regarding selective enforcement. Discussion concluded that concerns over lawn and/or grass height may be better addressed in the blight ordinance or nuisance ordinance. Zoning

Administrator Graber was directed to contact Attorney Graham regarding best placement to address the concern.

- 7) Amendment to Section 4.25 of the Eveline Township Zoning Ordinance:** Discussion was held as to changing the Dimensional Restrictions for Accessory Buildings maximum permitted size for a less than 2-acre parcel from 900 square feet to 1200 square feet. The 20% impervious surface restrictions will still be applicable. A public hearing regarding the change will be posted by the clerk and held at the December 7, 2022 regular Planning Commission meeting.
- 8) Public Comment:** Nancy Ferguson thanked the Commissioner for their careful consideration of the Hungry Ducks requests and stipulations.
- 9) Commissioner Comments:** Commissioner Beishlag stated that Tip of the Mitt and LCA received grant money to review the green belt ordinances surrounding Lake Charlevoix and come back with ideas. It has been suggested that the Conservation District review greenbelt plans. They have completed the meetings with the entities surrounding Lake Charlevoix, but he is not sure where it will go. Suggested the Planning Commission could encourage feedback to all entities involved with compiled information and suggestions for proceeding.
- 10) Adjournment:** Chairman McGinn adjourned the meeting at 9:10 p.m.

Respectfully submitted,

Sandi Whiteford
Recording Secretary