

KASSON TOWNSHIP PLANNING COMMISSION
REGULAR MEETING
Monday, April 15, 2024 7:00 p.m.
Kasson Township Hall, 10988 S. Newman Road, Maple City, MI 49664

Minutes

1. Call Meeting to Order/Pledge of Allegiance
Chairman Lanham called the meeting to order at 7:00pm with the Pledge of Allegiance.
2. Roll Call of Commissioners and Staff/Recognition of Visitors
 - A. Present: Chairman – Mike Lanham; Zoning Board of Appeals- Dave Noonan; Vice Chairman- Jerry Roush; Secretary T Eftaxiadis; Township Board Rep- Tad Carter
Absent: None
 - B. Staff: Tim Cypher, Zoning Administrator; Marsha Wolf, Recording Secretary
 - C. Visitors present: approximately 4 visitors
3. Consideration of Agenda: Additions or Corrections
Chairman Lanham asked for a motion to approve the agenda as presented. Roush moved to approve the agenda as presented; Carter seconded. All present in favor, motion carried.
4. Declaration of Conflicts of Interest- None
5. Approval of Minutes – March 18, 2024
Chairman Lanham asked for a motion to accept the minutes as presented for March 18, 2024 regular meeting. Eftaxiadis moved to approve the minutes as presented for the March 18, 2024 regular meeting; Roush seconded. All remaining present in favor, motion carried.
6. Correspondence Received - None
7. General Public Comment – None
8. Area Reports
 - A. Chairperson – Commissioner Lanham – No Report
 - B. Secretary – Commissioner Eftaxiadis – No Report
 - C. Township Board – Commissioner Carter – No Report

D. Zoning Board of Appeals – Commissioner Noonan - No Report

E. Zoning Administrator’s Report – ZA Cypher –

Cypher advised he was assigned clarification on the Sleeping Bear Storage requirements. Cypher reviewed the recording, minutes and intent and confirmed 3 sides of the property, except for the east property line, will be 6 ft. conifers with option of spacing at either 20 ft. apart or staggered at 15 ft. apart. Clarification of the exterior lights was determined to be motion detected. Cypher educated the applicant on what the ordinance says. Applicant received the information well and agreed with the clarifications.

Cypher advised the ZA monthly report for March included a change of use for a home occupation and one permit for a change of use for a basement. Cypher advised there was an extension of the Glen Lake Storage land use and added that Frank Siepker inquired on presenting to the commission to allow extended outdoor storage versus the original temporary storage for 24 hours that the permit approved. Cypher advised that after the conversation, the applicant of Glen Lake Storage has changed his mind to re-open the land use permit.

Joe Williams created 10 new parcels, no new roads so no need to present to the Kasson Twp.

The township received \$1375.00 dollars of income, with a majority coming from The Red Barn application and land divisions that occurred.

Cypher received 29 phone calls and 18 responses to emails.

9. New Business

A. The Red Barn- Mixed Use-Site Plan Review -Public Hearing

Chairman Lanham requested a motion to open the Public Hearing for The Red Barn Mixed Site Plan Review and Special Use Permit. Carter moved to open the Public Hearing for The Red Barn Mixed Site Plan Review and Special Use Permit; Noonan seconded. All remaining present in favor, motion carried.

1. Presentation by Applicant

Mark Patterson was in attendance to present the application (Attachment A) for The Red Barn located at 3800 W Empire HWY. The applicant is requesting a special use permit to allow the facility to become an owner-occupied lodging facility. The Red Barn is currently zoned as mixed-use. The applicant will have residence at the location and will add 2 lodging units to the existing structure. The footprint of the structure will not be extended in any way.

Residential and Commercial spaces are separate to comply with mixed use zoning regulations.

New updates since initial meeting on March 18, 2024; there will only be 4 occupants so that the drain field and tanks do not need to be updated. MDOT has signed off on the current driveway. The parking was moved to a different location to allow the fire department to have appropriate access to turn around. The fire chief recommended a 20 ft wide driveway width. The applicant advised that the property has access that would allow emergency responder vehicles to access and turn around. The east side of the driveway contains room for two vehicles to pass each other. If required, the applicant is willing to push the current gravel with a boring tool to extend the width of the driveway.

Cypher requested clarification on occupancy. Patterson advised a potential of 4 residents will reside on premise.

2. PC Questions/Discussion with Applicant

Cypher requested clarification on occupancy. Patterson advised a potential of 4 residents will reside on premise at most.

Lanham asked if the interior is completely finished. Applicant advised there will be 2 lower lodging units and the residence will be located upstairs. Applicant plans on completing the bathroom and kitchen in the owner residence will be completed first, followed by the lower lodging units being complete. Lanham asked for a time frame for completion, the applicant advised completion will be 6-8 months, pending supply chain and construction crew availability. The planning commission agreed with the 6–8-month completion time. Should the time be longer than 8 months, applicant must come back to the board for a review for extension.

PC asked if there will be direct access from the first to the second floor inside the building. The applicant advised there will not be access within the building, but will instead have an access to the second floor outside.

Commission asked about the wiring/electrical work. Applicant advise electrical work was previously installed and is deemed safe. Cypher advised that the Building Safety Department will review the work complete and if it is acceptable.

3. Public Comment

Dean Western 11977 S Gilbert. Western supports The Red Barn project and the building is a beautiful sight in Kasson Township.

4. Applicants Response to Public Comment- None

5. PC Discussion with Staff - None

6. Findings of Facts Review

Section 8.9.A – Neighborhood and Community Elements:

Cypher advised information has been submitted since the Findings of Facts were originally submitted. B: Relation of proposed buildings to environment conditions appear to be met at this time. PC agrees it was met. D: Views and Privacy: Noonan advised that the outside of the Barn will not change and is adequate, so nothing has to change. H: Security, Fire and Emergency access: Condition would be placed that all regulatory have permits in place prior. PC agrees.

Section 8.9.A – Engineering Elements:

A: Drives, Parking and Circulation: PC agrees.

Section 8.9.A – Architectural Elements:

C: Lighting: PC agrees with condition that all exterior lighting will meet the zoning ordinance requirements. Patterson advised his intention is to have a motion detection light that will comply with the lighting restrictions of being night-sky friendly. The lighting will accommodate the walkways also. PC agrees with lighting conditions presented.

D: Fences, walks barriers: Applicant will not be moving earth nor putting up a fence. PC advised any modification or changed from the current site plan for minor changes will need PC approval with ZA Review.

B: General and Necessary Conditions: PC does not require additional conditions.

Section 8.7:

3. Waiver requested for vicinity map was granted by the PC and all remaining items pertaining will be labeled not applicable.

20. PC did ask about trash. Applicant advised the trash is in standard bins collected by waste management. PC determined since the bins are not visible there are no screening requirements.

Section 5.17-Landscaping:

Landscaping has already been discussed and will be N/A as of now.

7. Draft Motion

Chairman Lanham asked for a motion to approve The Red Barn Mixed Site Plan Review and Special Use Permit. Roush moved to approve The Red Barn Mixed Site Plan Review and Special Use Permit; Noonan seconded. All present in favor, motion carried. Roll call vote: Noonan (yes), Eftaxiadis (yes), Roush (yes), Lanham (yes), Carter (yes).

Chairman Lanham asked for a motion to close the public hearing for The Red Barn Mixed Site Plan Review and Special Use Permit. Carter moved to close the public hearing for The Red Barn Mixed Site Plan Review and Special Use Permit; Roush seconded. All remaining present in favor, motion carried.

B. Lively Holdings- Update and request for amendment to previous approval

1. Presentation by Applicant

Jim Lively came to present and request an amendment (Attachment B) since the original special use permit that was issued in 2021. The property is 19-acre parcel with 3 businesses operating: 40 site campgrounds (Backyard Burdickville) that operated 3 music events a year. The other businesses include a farm on 3 acres with vegetables and produce and Lively Holdings is about to open a retail food market that will open on Memorial weekend or 2024. The scope of the market is that it will be an everyday year-round farmers market with items from neighboring farmers.

The applicant would like to discuss amending the music provisions set forth on the original permit from 2021. Lively advised the previous owners did not obey music rules and would like to discuss the option of allowing music and a farm to table dinner that would host up to 40 attendees and have some music on site for the diners.

2. PC Questions/Discussion with Applicant

PC discussion: Eftaxiadis asked about where the dinners will be. Lively advised the seats will be in the yard or inside the farmers market structure, depending on the weather. Eftaxiadis asked about offerings and available for the farm to table dinners. Lively advised it would be potentially up to one time per week. The entity can only serve 40 people per day due to restrictions from the Health Department, so they would have to decide if they wanted to serve that number in the farmers market, for a farm to table dinner, or a mix of both.

Roush, how would you control the amount of people coming in for the farm to table dinner. Lively said it would be reservation only with pre-sold tickets.

Cypher advised he spoke with the Michigan Department of Agriculture and Rural Development (MDAR) and they allow a marketing tool to be had for farm to table, but there are restrictions where a certain percentage of business and a certain percent of income that can be used to host dinners. Lively will reach out to MDAR for the restrictions so that the PC does not have to enforce the number allowed. PC agreed with this approach for the expectations of what can be allowed.

In regard to music, a public notice and hearing would be required to allow this to amend the special use permit. Roush asked if the ZA received complaints regarding the music that occurred at last year's 3 events on the property. Cypher advised he received inquiries but no complaints once he explained to neighbors of the events taking place. The 3 grandfathered events per year require flyers and other requirements to be sent to neighbors prior to the events taking place, which Lively Holdings has adhered to in the past.

PC advised they want to wait for the MDAR approval for farm to table dinner and they will then address the music request based on the frequency of MDARs advice.

Lively advised that he will present to the PC a request for music to be present on the property if he decides to move forward. Eventually, the plan on having a restaurant on the property and will ask for music approval at the time of that proposal.

C. By-laws review

The By-laws review will be tabled until the next scheduled meeting on May 20, 2024 due to delay in legal review.

10. Old Business

- A. Zoning Ordinance amendments for PC review –
Housekeeping cabin park – no correspondence form applicants. Next month's meeting will be to review the zoning ordinance.

11. General Public Comment - None

12. Comments from the Commissioners – None

13. Next Meeting: Monday, May 20, 2024; Kasson Township Hall

14. Adjournment

Chairman Lanham asked for a motion to adjourn the meeting. Carter moved to adjourn the meeting; Eftaxiadis seconded. All present in favor, motion carried. The meeting was adjourned at 8:10 pm.

Respectfully submitted,
Marsha Wolf
Kasson Township Recording Secretary

Attachment A



Design Group, Ltd.

—“Excellence is our Hallmark”

225 E. 16th Street, Suite B • Traverse City, MI 49684 • Phone: (231) 947-9019 • Fax: (231) 947-8738

November 9, 2023

Mr. Timothy Cypher
Empire Township
P.O. Box 226
Lake Leelanau, Michigan 49653

Re: The Red Barn- 3800 W. Empire Hwy.

Dear Mr. Cypher:

Please review and accept the following documentation and accompanied attachments as our submission for a Special Use permit at the above referenced project located at 3800 W. Empire Hwy.

The owner would like to renovate the building to an owner-occupied lodging house. This use most closely aligns with a hotel/motel, which is not a use-by-right in the existing district. As a place of lodging, the building remains residential in nature and is required to conform to the Michigan Residential Code. We have reviewed the zoning ordinance and believe this project conforms to the intent of the Special Use permit.

Please review this application for completeness and inform us if any further information is required. Our client is eager to begin the project and if there is anything we can provide to facilitate the process we are happy to assist. If you feel it is necessary, please add us to the upcoming planning commission meeting agenda.

If there should be any questions, please contact me.

Sincerely,



C.F. Campbell

**A PROPOSED LODGING HOUSE
at THE RED BARN**

IMPACT ASSESSMENT STATEMENT

OWNER:
Northern Retreat Properties LLC
3800 W. Empire Hwy
Empire, Michigan 49630

PREPARED BY APPLICANT:
JML Design Group, Ltd.
225 E. 16th Street, Suite B
Traverse City, Michigan 49684
(231) 947-9019

November 9, 2023

Proposed Project

Northern Retreat Properties is proposing to renovate the "Red Barn" into a lodging house. This report contains the anticipated physical impacts of a proposed lodging house on the immediate project area.

The existing "Red Barn" sets on 3.02 acres. The property is currently zoned Commercial. The "Red Barn" is existing and faces onto W. Empire Highway. The width of the lot is 200 feet. The address is 3800 W. Empire Hwy.

Property Tax Number is 45-007-019-008-00. The legal description for the overall property is:

PT SW 1/4 SEC 19 COM SW COR SD SEC TH S 87 DEG 30'05" E 267.41 FT TO POB TH N 00 DEG 57'05" E 660 FT TH S 87 DEG 30'05" E 200 FT TH S 00 DEG 57'05" W 660 FT TH N 87 DEG 30'05" W 200 FT TO POB (A/K/A PARCEL A) SEC 19 T28N R13W 3.02 A M/L 2023 SPLIT FROM 007-019-008-00

The building site is owned by Northern Retreat Properties, LLC.

The Barn contains 3,479 SF on the first floor, 3,025 SF in the lower level and 2,049 SF in the loft. The building is a timber frame structure with wood floors on the first and loft, and concrete slab in the basement.

The building coverage of the site is .02% of the lot area. The building conforms to the setback requirements.

The building will be classified as a lodging house per the Michigan Building Code. The structure will be an owner-occupied house with five or fewer guest rooms. Hotels and motels are allowed in a commercial district with a Special Use Permit.

Soils

The soils of the site are sand and loamy sand. The existing soils are classified Kalkaska-Emmet, which are level to steep, well drained sands.

Not needed per Soil Erosion since we are not changing anything on the exterior of the building.

Drainage



~~A storm water management plan exists even though the parking lot is not paved. A retention basin is to be located at the east of the existing parking area.~~

Sanitary Sewer

The existing facility is serviced by a septic tank and field. The septic field will be reviewed with the Health Department to determine if modifications are necessary and to what degree.

Water Supply

The existing building is serviced from an existing well. The addition will not change the water needs. The building will not be fire suppressed.

Waste Management

Regular trash containers and recycle bins will be used for trash. Containers will be rolled to the road for weekly pickup.

Traffic Access

The existing access to the site is off W. Empire Hwy. No alterations will be made to the existing curb cut.

Parking

← Only (1) parking space per unit is required and is shown on revised plans.

An existing gravel parking lot will remain. ~~The required parking is (7) spaces, including (1) handicapped space. (1) space per guest room plus employees.~~

Signage

An existing 4'x4' sign will be utilized. The existing signage on the wall is to remain. No modifications are planned.

Landscaping

No significant landscaping alterations are planned at this time.

Miscellaneous

Agency review letters have been sent to the following entities:

1. Leelanau County Soil Erosion
2. Benzie-Leelanau District Health Department
3. Kasson Township Fire Department

Hours of Operation are as follows: (24) hour

Number of employees: (1) full-time and (2) part-time employees are planned. Contract employees will be used as needed.

No hazardous materials are utilized or stored on site.

The project is to be constructed over a 6–8-month duration. Construction is anticipated to begin December 2023/January 2024. Upon completion of the lower level, the owner's residence will be completed in the next 6-8 months.

Driveway Consent

Jennifer,

This e-mail serves as the Michigan Department of Transportation's consent to reuse the existing driveway at 3800 W. Empire Hwy. Empire, MI 49630. A permit is not necessary at this point but is required for any work within MDOT right-of-way. Please do not hesitate to contact us if you have any questions.

-

Steve Burzynski

Permit Agent

Michigan Department of Transportation
Traverse City Transportation Service Center
2084 US-31 South
Traverse City, MI 49685

Cell: [906-630-1058](tel:906-630-1058)



RE: The Red Barn

Greetings,

I have no problem with the proposed project.

Be advised that any earth change will require a soil erosion control permit.

Sincerely,

Steven R Christensen

Drain Commissioner / soil erosion control officer

Leelanau County

From: mjd Patterson <mjdpatterson@gmail.com>

Sent: Monday, March 11, 2024 1:02 PM

To: Steve Christensen <schristensen@leelanau.gov>

Subject: The Red Barn

Dear Mr. Christensen,

We are submitting plans for a special use permit to Tim Cypher with Kasson Township. They are requesting an approval letter from the Drain Commission. The property is the Red Barn located at 3800 W. Empire Highway.

We are not changing anything externally on the building. I have attached drawings for your review. Thank you for your time. Please let us know if you have any questions.

Thank you,
Mark Patterson
The Red Barn

Benzie County Office
 6051 Frankfort Hwy.
 Suite 100
 Benzonia, MI 49616
 Phone: 231-852-4409
 Fax: 231-852-2204



Leelanau County Office
 8527 Government Center Dr.
 Suite LL-007
 Suttons Bay, MI 49682
 Phone: 231-256-0201
 Fax: 231-256-0225

EXISTING SEWAGE SYSTEM EVALUATION REPORT (Review For Remodel)

Evaluated For:
 Patterson, Mark & Jennifer
 3800 W Empire Hwy.
 Empire, MI 49630

Evaluating Office:
 Leelanau County

Property Location:	Property Owner:
Tax ID Number: 45-007-019-008-11	Mark Patterson 3800 W Empire Hwy. Empire, MI 49630
Address: 3800 W Empire Hwy, Empire MI	
County: Leelanau	
Township: Kasson Section: 19	
Subdivision: Lot: Parcel A	

BUILDING INFORMATION	
Facility type: Single Family Residential	Reason for Evaluation: Review for remodel
Number of bedrooms: 4	Is the building currently occupied?

SEWAGE SYSTEM INFORMATION	
Date Evaluated: 04/03/2024	Septic Tank Size: 1600 Gallons
Type: Private	Septic Tank(s) Last Serviced Date: Unknown
Permit Number: L340	Absorption Type: Gravity Bed
Date Installed: 10/29/1990	Absorption Size: 900 Sqft.

SEWAGE SYSTEM EVALUATION SUMMARY
The Sewage Treatment System was inspected on 04/03/2024 . The inspection has determined the system's construction, location, and condition to be satisfactory .

SEWAGE SYSTEM EVALUATION COMMENTS
The home is served by a 1600 gallon concrete septic tank and a 900 square foot drainedbed. The septic field slightly smaller than is required for a 4 bedroom home. An observation into the septic tank revealed the water level to be appropriate and water flowing into and out of the tank properly. Excavations into the drainedbed revealed no evidence of black stone or ponding sewage. Since the septic system appears to be working properly at this time, it is acceptable. When the current system fails, or any additional bedrooms are added to the home, a larger septic system will need to be installed. To help prolong the life of the current system, routine pumping of the septic tank is recommended. Pumping every 1-3 years is usually adequate. Other maintenance practices include diverting surface water drainage away from the system, keeping the area mowed, and not driving heavy vehicles or plowing snow over the system. Due to the current sizing of the septic system, the maximum number of bedrooms permitted without increasing the size of the septic system is limited to 4 total bedrooms. If you wish to add bedrooms, a septic permit will be required.


 Brent Yonker, M.Sc.
 Environmental Health Sanitarian
 bldhd_gh@bldhd.org

Date: April 04, 2024

E-MAILED
 APR 10 2024



ADA Guide for Places of Lodging: Serving Guests Who Are Blind or Who Have Low Vision

Last updated: February 24, 2020

The Americans with Disabilities Act (ADA) requires places of public accommodation, including hotels, motels, and other places of transient lodging, to ensure that everyone regardless of disability has an equal opportunity to enjoy their services and facilities.

■ Guidance & Resources

Read this to get specific guidance about this topic.

For a beginner-level introduction to a topic, view [Topics](#)

For information about the legal requirements, visit [Law, Regulations & Standards](#)

Your establishment is covered by the ADA as a place of public accommodation if it is a private entity and is a place of lodging (including inns, hotels, and motels), regardless of whether it is a for-profit or non-profit establishment. **The ADA does not cover owner-occupied establishments renting five or fewer rooms.**



CEDAR AREA FIRE & RESCUE

From the Desk of Andrew T. Doornbos – Chief of Department

8907 Railroad Ave., Cedar, MI 4962 / Phone: (231) 228-5396 / Cell: (231) 835-1750

March 18th, 2024

Mr. Mark Patterson
The Red Barn

Re: 3722 W. Empire Hwy Site Plan Review

Mr. Patterson,

I have had the opportunity to review the plans you submitted. These plans were sent via email which was received March 11th, 2024.

On the project in question, it is the opinion of the fire department that the driveway should not be less than 20 feet wide. The driveway is a “dead end” so it should provide the means for turning apparatus around as outlined below. The opinion of the fire department was reached using National Fire Protection Association (NFPA) #1 (2018) - Chapter 18 - Section 18.2: Specifications of Fire Department Access Roads. The following are the references used.

- 18.2.3.5.1.1 – Fire department access roads shall have an unobstructed width of not less than 20 ft. (6.1 m).
- 18.2.3.5.4 – Dead Ends. Dead-end fire department access roads in excess of 150 feet (46 m) in length shall be provided with approved provisions for the fire apparatus to turn around.

Should you have any additional questions please let me know.

Thank you,

Andy Doornbos
Cedar Area Fire & Rescue

PROPOSED RED BARN RENOVATION FOR NORTHERN RETREAT PROPERTIES EMPIRE, MICHIGAN

ARCHITECT:

JML DESIGN GROUP LTD.
225 E. 16TH STREET, SUITE B
TRAVERSE CITY, MI 49684
PHONE: (231) 947-4014
EMAIL: jmlg@att.net

OWNER:

NORTHERN RETREAT PROPERTIES
3800 W. EMPIRE HWY.
EMPIRE, MICHIGAN
49630

LIST OF DRAWINGS:

- C1.0 COVER SHEET
- A1.1 SITE PLAN
- A1.2 MAIN LEVEL PLAN
- A1.3 LOWER LEVEL PLAN
- A1.5 UPPER LEVEL PLAN
- A2.1 EXTERIOR ELEVATIONS
- A2.2 EXTERIOR ELEVATIONS
- A3.1 BUILDING SECTIONS
- A6.1 SCHEDULES
- S1.1 STRUCTURAL PLANS
- S1.2 STRUCTURAL DETAILS

CONTACT:

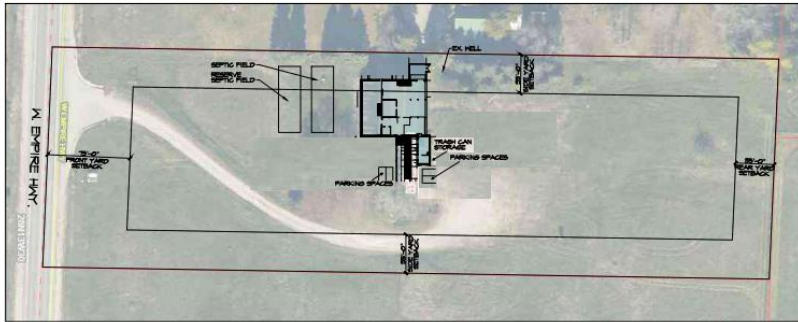
JENNIFER PATTERSON
PHONE: (231) 409-6766
EMAIL: EMAIL@ADDRESS.COM

BUILDING PLANNING	
BUILDING CODE REQUIREMENTS	2018 MICHIGAN RESIDENTIAL BUILDING CODE
BUILDING USE GROUP	LOGGING HOUSE
CONSTRUCTION CLASSIFICATION	
FIRE SUPPRESSION SYSTEM	
BUILDING ALLOWED	TABULAR BY
ALLOWED BY:	N/A
TOTAL ALLOWED SF:	
STORIES ALLOWED:	
HEIGHT ALLOWED:	
BUILDING CONTAINS	
ACTUAL SF:	
ACTUAL STORIES:	
ACTUAL HEIGHT:	
OCCUPANT LOAD:	
FIRE RESISTANCE RATINGS	
PRIMARY STRUCTURE FRAME:	
EXTERIOR BEARING WALL:	
INTERIOR BEARING WALL:	
NON-BEARING WALL PARTITIONS:	
FLOOR CONSTRUCTION:	
ROOF CONSTRUCTION:	
TENANT SEPARATION WALLS:	
GENERAL NOTES	

JML DESIGN GROUP, LTD. • 225 E. 16TH STREET, SUITE B • TRAVERSE CITY, MICHIGAN 49684 • (231) 947-4014



JML DESIGN GROUP LTD. 225 E. 16TH STREET, SUITE B, TRAVERSE CITY, MICHIGAN 49684
 JENNIFER PATTERSON, REGISTERED PROFESSIONAL ENGINEER, LICENSE NO. 94000, STATE OF MICHIGAN
 COVER SHEET FOR RED BARN RENOVATION
 DATE: 11/11/2020
 DRAWN BY: JMLG
 CHECKED BY: JMLG
 APPROVED BY: JMLG

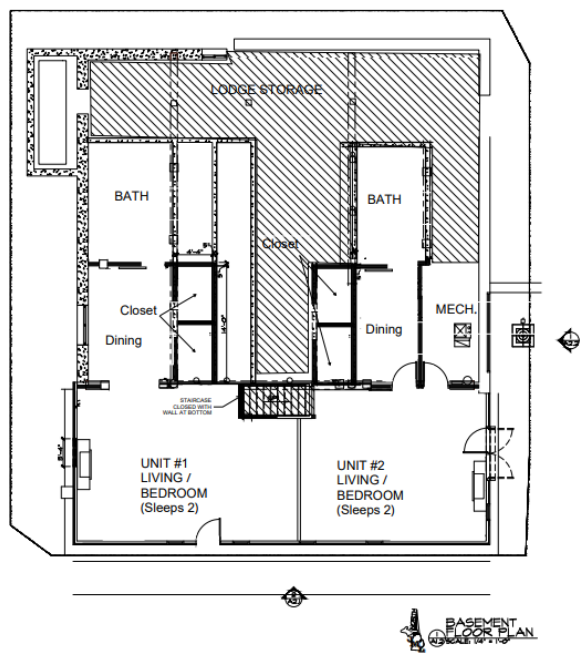
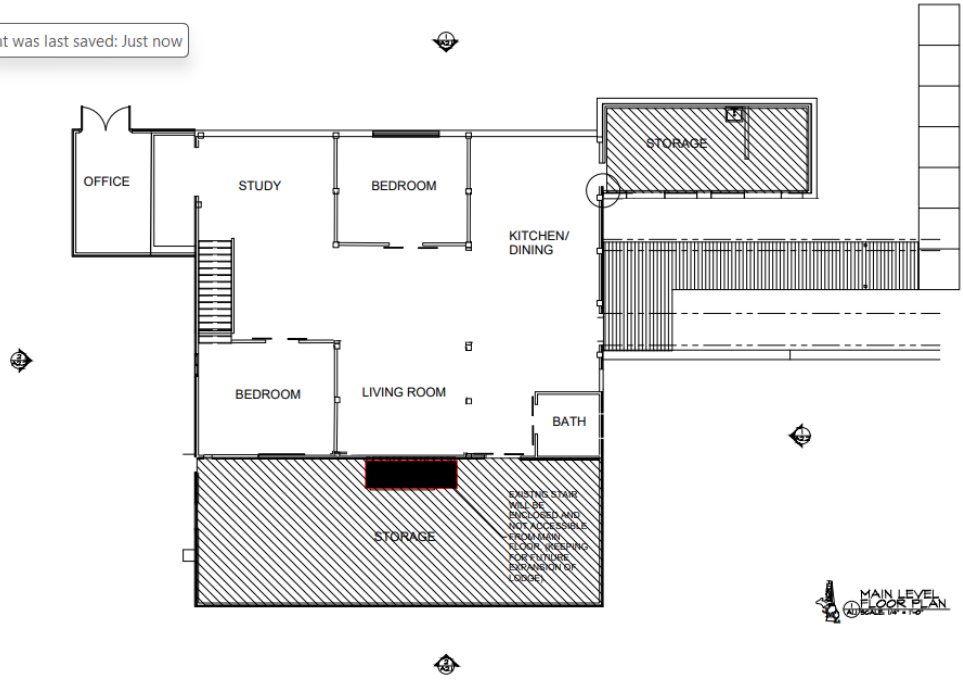


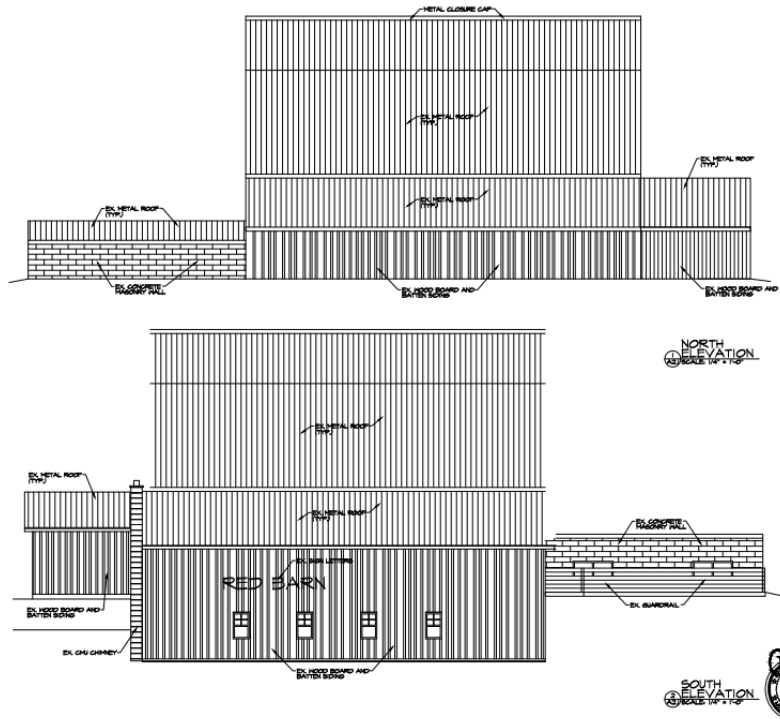
3800 W. Empire Highway, Empire, MI 49630



ZONING INFORMATION		
PROPERTY ADDRESS	3800 W. EMPIRE HWY., EMPIRE, MICHIGAN 49630	
PROPERTY ID NUMBER		
PROPERTY ZONED		
DIMENSIONAL REQUIREMENTS	REQUIRED	PROVIDED
MINIMUM LOT AREA	2 ACRES	
MAXIMUM HEIGHT	35'-0"	
NUMBER OF STORIES		
MINIMUM YARD SETBACKS		
FRONT YARD SETBACK	15'-0"	
REAR YARD SETBACK	35'-0"	
SIDE YARD SETBACK	35'-0"	
MINIMUM SQUARE FOOTAGE		
MAX. IMPERVIOUS SURFACE	30%	
MAX. BUILDING COVERAGE	25%	
PARKING REQUIREMENTS		
PARKING SETBACK	N/A	
REQUIRED PARKING SPACES	1 PER 100 SF GROSS AREA, 1 PER 200 SF ON SIDE YARD	

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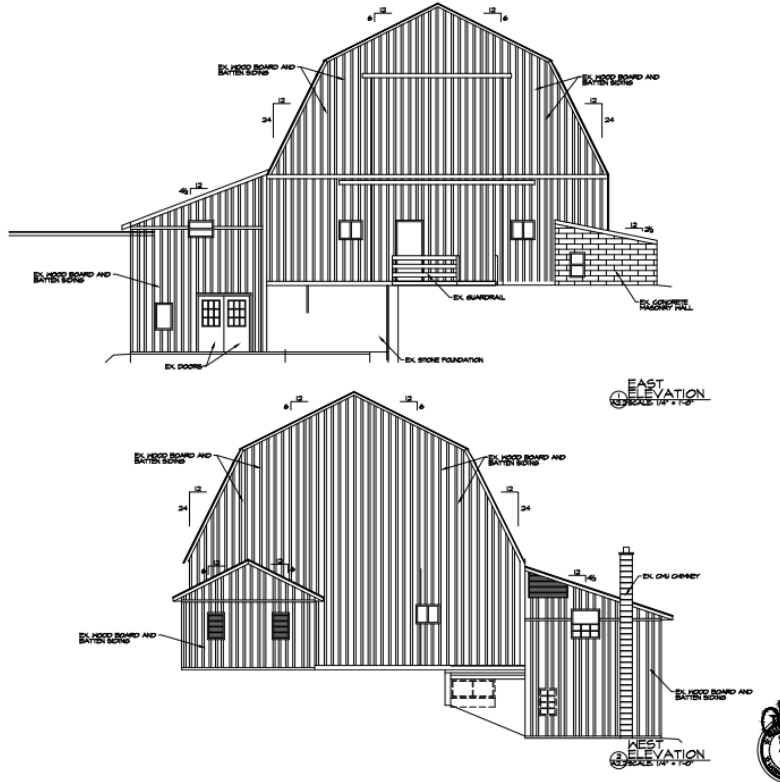




NORTH ELEVATION
SCALE 1/4\"/>

SOUTH ELEVATION
SCALE 1/4\"/>

J.A. CONNER GROUP, LTD. 238 S. 40th STREET, SUITE 8, TRAVLER'S CITY, INDIANAPOLIS, IN 46204
 ARCHITECT
 EXTERIOR ELEVATIONS
 RED BARN
 1/4\"/>



EAST ELEVATION
SCALE 1/4\"/>

WEST ELEVATION
SCALE 1/4\"/>

J.A. CONNER GROUP, LTD. 238 S. 40th STREET, SUITE 8, TRAVLER'S CITY, INDIANAPOLIS, IN 46204
 ARCHITECT
 EXTERIOR ELEVATIONS
 RED BARN
 1/4\"/>

Attachment B

From: Jim Lively <jim@livelyneighborfood.com>
Date: Tuesday, April 9, 2024 at 6:09 PM
To: lanhamconstructioninc@centurylink.net <lanhamconstructioninc@centurylink.net>
Cc: tim@allpermits.com <tim@allpermits.com>
Subject: Lively NeighborFood Market/ SUP update

Hi Mike-

I'm attaching the SUP Final Approval Letter, the Draft Findings of Fact and the Site Plan, for your background review. There was a lot more back and forth, mostly about music, but this is the final determination.

We hope to open our new [Lively NeighborFood Market](#) my Memorial Day weekend and would like to be able to include music as part of our opening weekend. This is a one-time special request for our market opening.

We are also offering a Farm to Table dinner event for people that made large donations to our GoFundMe campaign as a 'Thank you'. Our kitchen is currently not permitted by Health Code to serve more than 40 people at an event with food. We are willing to work within the 40 person limit for occasional seated 'Farm to Table' meals - until we eventually apply for a Restaurant use. But we would like to be able to provide music for those events. These meals would not be more frequent than once per week during the summer season, and could be either inside or outside depending on weather..

The music would be no more than two people and would only be lightly amplified - just as Niemesto and Skellenger use at Broomstack in Maple City on Monday nights.

Mike, here's the language in our SUP Approval Letter that I was objecting to:

"No outdoor (or indoor) amplified music is allowed other than for the three large outdoor concert events identified previously.

No combined- group acoustic music is allowed on the Property. This means acoustic music generated by a one or more musicians and intended for a collective audience including multiple members of the public at large and/or multiple campers on common areas of the Property. This restriction does not prohibit the use of a single acoustic instrument, such as a guitar, within and for an individual campsite."

To be clear, I am not requesting a change in use or to re-open our SUP. At some point in the future we intend to expand our septic system and request a Restaurant use, but until then we would rather live with this restriction than go through another public hearing or an expensive sound engineering review. My proposal is that we are requesting to host 'Farm to Table Dinners' as part of our farm use on the property, and use our limited kitchen approval. Forty person dinner events do not need or want loud amplification.

The last paragraph of the SUP describes what could be a simple process for 'modifications or amendment':

"Modifications or Amendment. Pursuant to the Zoning Enabling Act (Public Act 110 of 2006), as amended, the conditions imposed under this permit shall remain unchanged except upon the mutual agreement, in writing, of the Planning Commission and Lively Holdings, LLC."

If the Planning Commission is open to a modification to allow lightly amplified music (one speaker) by one or two musicians with no percussion, at occasional farm to table events that do not exceed 40 persons and a one-time special opening event for the community at our new market, we would appreciate that consideration. If not, we will accept that determination.

DRAFT