

Ganges Township Planning Commission
Regular Monthly Meeting Minutes for April 25, 2017
Ganges Township Hall
119th Avenue and 64th Street
Fennville, MI, Allegan County

I. Call to Order and Roll Call

Chair **DeZwaan** called the meeting to order at 7:00PM.

Roll Call: Chair: Jackie **DeZwaan** — Present

Secretary: Phil **Badra** — Present

Vice-Chair: Roy **Newman** — Present

Commissioner: Charlie **Hancock** — Present

Commission Trustee: Barry **Gooding** — Present

Zoning Administrator: Tasha **Smalley** — Present

II. Additions to the agenda and adoption

Motion was made by **Newman** to accept the agenda, as presented. Motion was seconded by **Hancock**. Motion passed.

III. General Public Comment — ~~one of the audience members, who identified himself as a neighbor of the Michele's,~~ **Eric Pennebaker** expressed his approval of European Auto's proposal.

IV. Correspondence and upcoming meetings/seminars

~~**DeZwaan** has presented~~ sent a copy of the Glen Vineyards Special Land Use (SLU) and Bayberry Cottage Change of Use Planning Commission (PC) letters ~~to the Township Board~~ from **Badra**. **DeZwaan** had no seminars to report on. From

V. Public Hearing — Opened at 7:02PM

1. FennValley South LLC– 6130 122nd Ave., Fennville MI 49408
4.05 Conditional Rezoning
Parcel # 03-07-012-018-00 – 6130 122nd Ave.,

Brian **Lesperance** presented himself as the representative of the property. **DeZwaan** inquired as to what FennValley was proposing. **Lesperance** stated that they were requesting a conditional rezoning and SLU to accommodate a Micro-Brewery. The Micro-Brewery would operate with-in the existing structures and utilize the existing tasting room. This would be a relatively small operation, producing approximately 1 ½ Barrels annually, and would provide an enhanced experience for their clientele.

Audience Comments:

~~The same audience member~~ **Eric Pennebaker** inquired as to the PC approval process. **DeZwaan** explained that the PC votes to approve or deny the request, and if approved, recommends that the Township Board accept the request.

Close Public Hearing at 7:05PM

Public Hearing — Opened at 7:05PM

2. FennValley South LLC– 6130 122nd Ave., Fennville MI 49408
Special Land Use (SLU), 14.06 II Micro-Breweries
Parcel # 03-07-012-018-00 – 6130 122nd Ave.

Audience Comments - None

Close Public Hearing at 7:06PM

Public Hearing — Opened at 7:06PM

3. Dell Ray LLC (David and Juliet **Michele**) – 2578 62nd St., Fennville MI 49408
Special Land Use (SLU), 14.06 DD Vehicle Repair Facilities
Parcel # 03-07-003-001-00 – 6424 124th Ave. (recent split, no new Parcel#/Address yet)

Cal **Becksvooort**, with Latitude Engineering, presented himself as the applicant’s engineer for the proposed vehicle repair facility. **Becksvooort** introduced the applicants as the owner and operators of European Auto Restoration; a professional, full service restoration and repair facility specializing in classic European automobiles. David **Michele** went on to describe how they provide frame up restorations with Original Equipment Manufacturer (OEM) parts. **Becksvooort** explained that the applicants were proposing a 2 Phase project where they would first build a 60 x 200 (12,000 sq. ft.) storage building for the vehicle repair business; and then build another 60 x 200 (12,000 sq. ft.) building two years later, to do the auto repairs/restorations in. **Becksvooort** went on to explain that the buildings would be approximately 350’; from 124th Ave, (AKA M-89) with 3 parking spaces for the storage building and an additional 4 parking spaces to be provided for the Phase 2 building; all with minimal wall pack lighting, natural screening. and on-site storm water retention. **Becksvooort** also informed the PC that a driveway permit had been obtained from Michigan Department of Transportation (MDOT) and that the driveway had been installed, with a culvert at the road and an additional culvert installed in the natural swale, which bi-sects the

property. **Becksvoort** went on to explain that the applicants would also be submitting a rezoning request, to extend that Commercial Zone enough to accommodate these proposed buildings.

Audience Comments - None

Close Public Hearing at 7:11PM

VI. Approval of August 23, 2016 minutes

A motion was made by **Gooding** to approve the March 28, 2017 regular meeting minutes, with corrections. **Hancock** seconded the motion. Motion passed

VII. Old Business – None

VIII. New Business

a. Conditional Rezoning – FennValley LLC

DeZwaan pointed out that a correction needed to be made to page 2 of Smalley’s Memorandum; Review: #11 should be changed from “n/a not Micro-Brew” to “n/a not Brew-Pub”. **DeZwaan** asked if the PC had any questions. **Badra** stated that the applicant’s reason for rezoning request should be amended to state that they “...would like to rezone (a portion of) this parcel.” **Badra** also stated that although Appendix C of the applicant’s narrative delineated the Brewery area in red the Site Plan did not, and should be amended to do so.

Gooding asked if the property was 4 acres, **DeZwaan** responded that it was 5.42. **Gooding** asked if the original Residence was still part of this parcel. **Smalley** stated that it had been previously divided from the winery property and was over 200’ from the shared property line. **Hancock** questioned whether or not the additional Micro-Brew area would exceed the 5000 sq. ft. limit for Retail and Ancillary uses. **Smalley** stated that the Micro-Brew, combined with Winery, would not exceed that benchmark.

Hancock inquired how the Micro-Brew’s waste product would be handled. **Lesperance** stated that any grey water would be managed by their existing licensed discharge system, with any remaining effluent being disposed of in a similar manner to the wine by-product; with it being distributed over the land and/or composted. **Gooding** added that farmers like to use the spent brewers waste as animal feed. **Lesperance** agreed that could be another option for disposal.

DeZwaan inquired if there were any events planned, specific to the Micro-Brew. **Lesperance** stated that nothing was planned, but if an outdoor event was planned they would obtain approval from the Township Board.

DeZwaan remarked that the applicant should be responsible for any legal fees the Township incurs.

DeZwaan asked **Lesperance** if the same vats would be used for both beer and wine production. **Lesperance** said that it is a possibility if similar carbonization and packaging processes were being utilized.

DeZwaan then asked about the storage of hazardous chemicals and the location of their Material Safety Data Sheet (MSDS). **Lesperance** explained that the regulations were similar to what was already being implemented with other on-site production(s), and would be put into practice in a comparable way.

DeZwaan then reviewed the Application and Offer of Conditions, finding that all of the applicable conditions were satisfied.

Badra moved that the Planning Commission recommend to the Ganges Township Board the approval of the Conditional Rezoning of 5.42 acres of parcel # 03-07-012-018-00 from the Residential/Agricultural District to the Commercial District as it is in compliance with the Ganges Township Zoning Ordinance Section 4.05 Conditional Rezoning for a microbrewery only and not for a full service restaurant or any other commercial use with the following conditions:

1. That the Conditional rezoning shall be recorded with the Allegan County Register of Deeds within 90 days of Board approval.
2. That the applicant acknowledges that the Conditional Rezoning was voluntarily requested by the applicant and that the applicant will consent to all of its provisions and realizes the rezoning runs with the land and is binding on future landowners.
3. That the applicant will be responsible for any legal fees the Township incurs relating to the Conditional Rezoning.

DeZwaan added that the Conditional Rezoning would run with the land.

Motion was seconded by **Newman**. Motion passed by roll call vote. **DeZwaan** — Yes

Badra — Yes

Newman — Yes

Hancock — Yes

Gooding — Yes

b. Special Land Use – FennValley LLC

DeZwaan commented that the 5000 sq. ft. limit ,devoted to Retail and Ancillary sales, should be a combined total of both the Winery and the Micro-Brew approved uses.

DeZwaan then reviewed the 37 Site Plan Submission Requirements, finding that all of the applicable requirements were met. **DeZwaan** added that the aforementioned corrections needed to be made to Smalley’s application review and the Site Plan Map.

Badra moved that the SLU for a microbrewery on the portion of parcel # 03-07-012-018-00 as legally described on the Site Plan be approved as it complies with Zoning Ordinance Sections 12.03 Site Plan Review Requirements and 14.06 (II) Specific Special Land Use Standards for Breweries with the following conditions:

1. That the microbrewery be delineated on the Site Plan as it is in Appendix C of the narrative.

2. That any outdoor events not already approved by the Board will require additional Board approval.
3. That copies of any required licenses and permits from regulatory agencies shall be provided to Michigan Township Services within 15 days of issuance.
4. That the SLU shall only become effective if the Conditional Rezoning is approved by the Board.

Motion was seconded by **Newman**. Motion passed by roll call vote. **DeZwaan** — Yes

Badra — Yes

Newman — Yes

Hancock — Yes

Gooding — Yes

DeZwaan reminded **Lesperance** that the PC would need two new maps. **Smalley** explained that they would both be signed by the PC members, and one would be returned to the applicant.

Gooding asked if FennValley would be growing the brewing hops, on-site. **Lesperance** stated no, not at this time, but that they had previously.

c. Special Land Use – Dell Ray LLC (David and Juliet Michele)

DeZwaan stated that the maps need to be amended, not only to correct the Commercial Zone boundary line, but to also include the location of the oil and gas separators and the storm water retention area. **Smalley** explained that to accommodate the proposed location of these buildings the applicants would also be requesting a rezoning of the parcel, at next month's PC meeting, to extend the Commercial line into the Res/AG portion of the property. **DeZwaan** remarked that any such request ~~would~~ *should* be denied, since it was a self-imposed hardship. **Becksvort** explained that the topography and soil conditions of the site, the location of the easement for Overhead Electrical Transmission Lines, and some incorrect information about where the existing 500' Commercial Zone started on this site necessitated the rezoning request. **Badra** indicated that, based on this new information, the PC could not make a decision about the SLU at tonight's meeting; and explained that the applicants would need to reapply for their SLU, when/if the PC approves the rezoning request.

Smalley informed the PC that initially, she had erroneously told the applicants that the Commercial Zone started at the 50' Right of Way (ROW) for M-89. Once **Smalley** had realized the Commercial Zone actually started at the Centerline of the Highway she informed the applicants, who had unfortunately already purchased the property. **Becksvort** went on to explain how this placed the proposed Phase 1 Building well into the Res/AG District, with little to nowhere to relocate it and still meet the business' needs. Juliet **Michele** made clear that the recent purchase of the property was partially contingent on the buildable space provided by the zoning boundary misrepresentation.

DeZwaan restated that the Rezoning application would have to be approved before a SLU could be approved. **Gooding** asked why the buildings could not be relocated. **Becksvort** reiterated that the natural swale combined with the power line ROW, as well as M-89's ROW and the set-back requirements, severely limits the buildable area. Smalley asked the PC if the Rezoning could be added to next month's agenda. **DeZwaan** agreed but reminded **Smalley** that the change would have to be re-noticed.

Badra inquired if correspondence should go to the owners address or the LLC's? **Michele** responded mail should be addressed to her at the home address, on 62nd St.

Badra also explained that the PC could not approve the storage building (Phase 1) without approving the primary use, 2nd Building (Phase 2-vehicle repair); which would be required to be constructed within a 2 year time frame.

Hancock asked if there would be any residences on site, or in close proximity. **Becksvort** pointed out the nearby residence, on the parent parcel, which is the only neighboring residence located in Ganges Township. **Hancock** questioned what the applicants were screening the buildings from. **Becksvort** explained that the natural screening was more for the aesthetics.

Hancock asked if there would be any outside storage to which **Michele** responded no. **Gooding** wondered how secure the valuable cars/parts would be with no one living on site to monitor the buildings. **Michele** stated that they lived nearby and felt that the former owners kept a good eye on the site, as well. **Hancock** asked if the cars would be repainted on-site. **Michele** stated that they outsourced any refinishing that needs to be done. **Newman** asked if there would be a pump station for the drain field, since it is approximately 2' higher than the building grade. **Michele** responded that there would be the appropriate pump system installed for the employee restroom's plumbing system.

DeZwaan stated that the site plan's General Notes would need to be amended to remove the words "Mixed Used Planned Unit". **DeZwaan** inquired as to the vehicle repair's hours of operation. **Michele** responded that they would be open 9-5/6.

Gooding wondered if they would only be repairing Classic Cars. **Michele** replied that they solely worked on cars that had mechanical systems, nothing new enough to be computer controlled. **DeZwaan** remarked that the application's narrative was very specific regarding the proposed use of the building, and that would be what the applicant's would be restricted to.

DeZwaan commented that the driveway had already been installed, without the PC approving its location; and questioned the "existing" 24 inch culvert in the swale. **Becksvort** explained that he had become involved with the project after the driveway and culverts had come into existence. **Smalley** and **DeZwaan** agreed that the site plan should be amended to remove the word "existing".

Badra remarked that the architectural plans labeled both of the Building's elevations as "East". **Becksvort** stated that he would make the necessary correction. **Gooding** also inquired into the

required snow load for the building's trusses and **Hancock** asked if they could do stacked storage of the vehicles. **Becksvoort** described how the required 50Lb snow loads would be met but that stacked storage was not feasible.

DeZwaan and **Badra** agreed that the PC could discuss the Michele's proposals tonight but no decision could be made on either request. **Michele** stated that they would like to request that the Commercial Boundary Line be moved 200' South, into the Res/ Ag district. **DeZwaan** restated her belief that the buildings could be moved or the size changed to stay within the current commercial district. **Michele** believed that some consideration should be given since they had based this purchase on the ability to locate these sized buildings on this property, with this location being the only suitable buildable space and initially thought to be completely within the commercial district. After some discussion between the applicants and **Becksvoort** they stated that they could limit the rezoning request to the 50' needed to accommodate the Phase 1 building.

Hancock inquired what the Michele's disposed of damaged or unused parts. **Michele** replied that all such waste would be recycled through PADNOS. After the PC members discussed how to proceed with the **Michele**'s SLU request it was decided that the request must be denied, as presented.

Motion was made by **DeZwaan** to deny the SLU for a Vehicle Repair Facility on the parcel # 03-07-003-001-00 as it does not comply with Zoning Ordinance Sections 12.03 Site Plan Review Requirements. Motion seconded by **Badra**. Motion passed by roll call vote. **DeZwaan** — Yes

Badra — Yes

Newman — Yes

Hancock — Yes

Gooding — Yes

Smalley informed the PC that the **Michele**'s rezoning application would be part of next month's agenda items, in conjunction with their new application for a SLU.

IX. Administrative Updates

Township Board-

- a. **Gooding** stated that the Board had discussed FennValley's upcoming events schedule, with at least one event scheduled per month, May – November.
- b. **Gooding** also informed the PC that there had been some discussion regarding Virtue Farm's free-range chickens.

Zoning Board of Appeals (ZBA)-

- a. **Newman** stated that the ZBA had not had a meeting since March 27, 2017 –nothing to report.

Zoning Administrator-

Smalley had nothing to report.

- a. **Gooding** inquired if there had been any progress with Ciesla.
- b. **Gooding** also questioned why the private road -Lavery Lane did not have to get approval from the PC. **Smalley** explained that it existed before the 2006 ordinance went into effect.
- c. **Hancock** asked if the Karaus' property had been noticed.
- d. **Gooding** asked if Dr. Brad Bastow had received any court orders concerning his renovation project at 6990 114th Ave. **Smalley** responded that a court order had been previously issued... and that it is at the Township Board's discretion to enforce any such court order.

X. Future Meetings Dates

The future dates of the PC Regular meetings will be Tuesday, May 23rd, 2017 and June 27, 2017.

DeZwaan, Badra, and Smalley discussed the timeline to ~~finalize~~ *review* the Ganges Township Master Plan.

XI. General Public Comment

~~The aforementioned audience member~~ **Eric Pennebaker** questioned the master plan approval process. DeZwaan explained that it is required to be reviewed once every 5 years.

XII. Adjournment

Motion was made by **Gooding** and supported by **Hancock** to adjourn. Motion carried unanimously. Adjourned at 8:35PM.

Respectfully Submitted

Jennifer Goodrich

Ganges Township Recording Secretary