

Ganges Township Planning Commission
Regular Monthly Meeting Minutes DRAFT for April 22, 2014
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: Chairman: Jackie **DeZwaan** – Present Secretary: Phil **Badra**-Present
 Vice-Chair: Roy **Newman**-Present Commissioner: Charlie **Hancock** –Present
 Board 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 **Gooding**. Motion passed.

III. General Public Comment

DeZwaan opened up the General Public Comment section with a question to **Mari Reijmerink** concerning the request for a Site Plan review. The question was whether this was a Preliminary or Final Site Plan Review for **Kismet Bakery**. **Reijmerink** stated this was a final Site Plan Review. **DeZwaan** instructed the public present that this time of General Public Comment would be the only time for them to address the Site Plan Review for **Kismet Bakery**.

Eric Pennebaker of 1776 68th Street, **Kismet Bakery**, wanted clarification of how the proposed changes to the Ordinances would affect specific problems of the cottage Industry issue. **DeZwaan** tried to explain that with the changes the Commission was trying to accommodate three categories of this issue, resolve some of the conflicts and still allow some growth.

Pennebaker stated that they had gone to an Attorney that specializes in the Cottage Industry regarding how the State defines it and how the Township defines it. **DeZwaan** stated that the Commission was very aware of the differences. **Smalley** stated that the text that would be looked at during the Public Hearing may be of help. **Badra** stated that the Commission had been given more information since the last meeting, which would be discussed during the Public Hearing. **DeZwaan** stated that the Public had been heard.

Pennebaker still voiced concerns about the Ag/Res zoning and the affect on small farms, the SLU definition not defining the parameters clearly and the cost of compliance. The Master Plan encourages the nurturing of the Township, but some of these proposed changes will add to the inconsistencies. There was also a question about the information that the **Commission** members had looked at.

DeZwaan explained that information was gathered and given to Members, but according to the Open Meetings Act had not been discussed prior to this meeting.

Michael Hutchins, 1662 Blue Star asked about the rezoning proposed for the **Crawford and Old Landmark** subdivisions and why the owners were not notified. He stated that they had found out by accident. **DeZwaan** stated that if there were 11 or less parcels, owners would have been notified by mail, but since there are more than 11 it is not required. **Smalley** counted the parcels and there are about 20. It is not determined by size or class, and the law changed in 2006 concerning this notification standard. This will be discussed further in the Public Hearing.

IV. Correspondence and upcoming meetings/seminars

DeZwaan mentioned that there were several correspondences supporting Kismet Bakery from: **Mary Palozzolo, Gary Lark, and David Dobriff**. She also received a letter from Neil VanLeeuwen concerning the proposed rezoning changes **in the Ordinances** that he felt were inconsistent with the Master Plan. There is a Seminar in May called “My Place Initiative” that needed to have a reply by April 18th. The Seminar is May 15th and **DeZwaan** stated she would give the Members contact information if they would still be interested in trying to attend.

V. **Public Hearing** – Zoning Ordinance Text Amendment and rezoning of the **Old Landmark and Crawford** subdivisions. The Public Hearing was opened at 7:25PM.

The **Old Landmark and Crawford** Subdivisions rezoning was addressed first. The reason for looking at this issue was that the **ZBA** had several requests for variances because of the setback requirements.

DeZwaan stated that she had done a lot of digging into the history of this area and the reason for the confusion. **DeZwaan** is asking that the Commission consider a Res/Ag zoning in this area. From 1962-June of 1991 this area had been zoned Res/Ag. In 1991 it was changed to Commercial and the Master Plan shows it as Commercial. Discussion was then opened to the Public:

Greta Hutchins, 1660 Blue Star Hwy and joint owner of 1442 Blue Star. In rezoning the **Crawford** subdivision to Res/Ag it will further devalue the property there. Where can a business be located if not along Blue Star Hwy? Her concern was that the Commission was caving in to outside interests trying to keep the area from growing. She understands there is a financial burden in asking for these variances, but in purchasing these lots people need to realize what they are buying.

Michael Hutchins – stated that the property they are concerned with is where the **Glenn Post Office** had been. This land was always privately owned and the Post Office was built in the early 1960's. There had been an investment in improvements made to this property, and it is in close proximity to the other businesses in **Glenn**. Changing this to Res/Ag would further discourage businesses needed to draw in young families. He asked about the possibility of rezoning **Crawford Avenue** and leaving the area along Blue Star commercial. If this can not be done, why not?

Mari Reijmerink, 1776 Blue Star asked if this rezoning is specific to the **Crawford and Old Landmark** subdivisions. She stated that she would be in support to any change that would help in growing the area.

DeZwaan stated that this all came about because of the **ZBA** variances that had been requested, and most of this area would not perk for Commercial.

Michael Hutchins asked if any retail business would have to be in Commercial. **Smalley** stated it would.

DeZwaan stated that the Commission is aware of parcels other than on Blue Star Highway corridor that are commercial and they will remain commercial. Asked about the process **DeZwaan** said that this item will be discussed by the **Planning Commission** members, motions will be made and then those recommendations will be forwarded to the **Township Board** for their approval. There will also be a Public comment opportunity at that time. **Smalley** made a copy of the Zoning map for some in the public.

Discussion on Cottage Industry:

The Commission members looked at information that had been emailed concerning this issue. **Badra** went over some of the confusion with Cottage industry and Cottage Food Industry and the proposed changes in definition. These are the changes that have been suggested:

Page 2-7 Cottage Industry – replace definition with: An accessory use to a dwelling where the owner of the dwelling operates a small scale business as part of the owner's lifestyle and as a means of income. Uses may include, but are not limited to creating art, producing crafts and selling such items on the same lot. A special Land Use is required.

Page 2-7 Add the category: Cottage Food Industry. An accessory use of the unlicensed kitchen of a single family residence in which cottage foods as defined by the Michigan Cottage Food Law, PA 113 of 2010, are produced. The foods must be made and stored in the residence and may only be sold directly to consumers. These small scale food operations without consumption must comply with the Cottage Food Law.

Page 14-9 I. Cottage Industry

1. Replace with – The types of cottage industries that are permitted shall include, but not limited to, small scale production and retail sells of arts and crafts, custom art framing and wood working, bee keeping and those activities the Planning Commission determines to be substantially similar.
2. Not more than two (2) employees are allowed in addition to the members of the family residing in the home.
3. 4.5.6.7. and 8 retain as written.
9. Replace with – The sale of merchandise is restricted to those products the cottage

- industry produces on the lot.
- 10. and 11. retain as written.
- 12. Add-after the word nuisance – by reason of noise, smoke, odor, electrical disturbance, night lighting or increased and unreasonable traffic.

This text is similar to Fennville's Ordinance.

Public Input:

Mari Reijmerink stated it seemed that with this distinction that only unregulated or full commercial business was allowed.

Eric Pennebaker asked about the Township setting parameters for Cottage Industry, signs and etc. and let the State decide if food is made to their regulations. **Badra** stated he had talked to the Food Dept at the State level and the problem with this was that they did not inspect these businesses unless there was a complaint received. This is why the Township needs to be involved in regulating what can be done. He felt with separating the Cottage Industry and Cottage Food Industry it would be less confusing.

Mari Reijmerink said then if a business were in an out building they would have to be licensed by the State.

Badra talked about a question about Farm Markets and Roadside stands. **GAAMPS** consider these to be the same. The language that is being used in the Ordinance is taken from **GAAMPS** which is revamped every January.

Discussion went on to the proposed Ordinance Corrections:

- Page 2-7 Cottage Industry – delete and selling such items on the same lot.
- Page 2-11 Farm Market – add Farm markets must be located on property where zoning allows for agriculture and its related activities.
- Page 3-7 Roadside Stands – delete B. change C. to six (6) square feet.
Add E. Must be located on property where zoning allows for agriculture and its related activities.
- Page 3-9 Section 3.14 change Michigan Dept. of Nat. Res. to Michigan Department of Environmental Quality.
- Page 3-10 Section 3.18 Domesticated Animals
Add C. to read:
Large domestic animal means those species of animals normally and historically used for food, fiber and service to humans including but not limited to:
Equine (Horses, asses, jacks, jennies, hinnes, mules, donkeys, burros, ponies).
Cattle (all bovine and bovine like animals including ox, cow, buffalo).
Goats, sheep, swine.
New World camelids (llamas, alpacas, vicunas, guanacos).
Ratites (ostrich, emu, rhea).
Cervid (deer, reindeer, moose, elk).
Large domestic animals do not include dogs and cats. It also does not include companion animals used by individuals with qualifying disabilities as defined in section 504 of the Federal Rehabilitation Act of 1973 and the Federal Fair Housing Amendments Act of 1988.
- Page 3-33 delete letter j and change A to a.
- Page 4-1 Section 4.01 replace “MU” with “RMU/PUD” to accommodate change to Master Plan
- Page 5-2 Biofuel typo, should read 100,000 to 500,000 gallons.
Roadside stand – subject to Section 3.11
Equine boarding change to SLU
Farm Market change from P to SLU.
Raising fur bearing animals change to SLU and add or game birds.

- Migrant housing subject to Section 3.25 not 3.23
 Wireless communication antenna when attached - change from SLU to P
 Noncommercial wind energy should be Section 3.22
- Page 6-2 Migrant housing subject to Section 3.25
 Biofuel typo, should read 100,000 to 500,000 gallons
 Farm market change from P to SLU.
 Raising of fur bearing animals add or game birds.
 Add Temporary uses or buildings (subject to section 3.12) P in R/A and R.
 Roadside stands – subject to Section 3.11 change P to NP in Res
- Page 7-1 Section 7.02 add Pa Permitted as an accessory use.
 Home based business Pa
 Home occupation Pa
 Library SLU
 Noncommercial wind energy should be section 3.22
 Add – Temporary uses or buildings (subject to section 3.12)
- Page 8-1 Heading replace Residential Mixed Use Districts with Residential Mixed Use
 Planned Unit Developments
 Section 8.02 add Pa Permitted as an accessory use. Remove PUD.
 Home based business Pa
 Home occupation Pa
 Biofuel typo, should read 100,000 to 500,000 gallons
 Add cemetery as SLU in C and NP in RMU/PUD
 Church ad as SLU in RMU/PUD
 Cottage industry SLU
 Roadside stand subject to Section 3.11
 Municipal services SLU
 Library SLU
 Add Migrant housing (subject to Section 3.25) as P in C and NP in RMU/PUD
 Delete Lodging: Bed and Breakfast.
 Ponds Pa
 Noncommercial wind energy Pa
 Add Private roads Pa in C and RMU/PUD
 Add Temporary uses or buildings (subject to section 3.12) P in C and RMU/PUD
 Add Raising fur bearing animals or games birds. SLU in C and NP in RMU/PUD
 Schools and colleges change to Schools and colleges public to P in C and
 NP in RMU/PUD
 Add Winery SLU in C and NP in RMU/PUD
- Page 8-4 Remove RMU/PUD from setback table
 Change commercial setbacks to 30 feet rear and 35 feet side, remove references
 to adjacent districts or uses.
- Page 11-1 Section 11.02 add Pa Permitted as an accessory use.
 Home based business Pa
 Home occupation Pa add (subject to section 3.07)
 Cottage industry SLU
 Vehicle repair SLU also service/wash establishment
 Excavating SLU
 Municipal services SLU
 Mini storage SLU

- Ponds Pa add (subject to section 3.20)
- Noncommercial wind energy Pa add (subject to section 3.22)
- Private roads Pa
- Change Schools, trade or industrial to Schools trade or industrial private SLU
- Add Temporary uses or buildings (subject to section 3.12) P
- Page 12-1 Item #6 typo of 80 feet should be or.
- Section 12.02 B.6 Remove Mixed Use District.
- Page 14-5 Y. Add Schools (trade, commercial, industrial),
- Page 14-9 Cottage Industry
 - Delete 1. a.b.e.f.
 - Change 2 to read: Not more than two (2) employees are allowed in addition to the family members residing there.
 - Change 6 to read: All aspects of the cottage industry shall be located and conducted within a dwelling or one or more accessory buildings. Cottage Food Industries must comply with Michigan's Cottage Food Law, PA 113 of 2010. Cottage foods must be made in the home kitchen and stored in the single family domestic residence of that kitchen. Cottage foods cannot be made or stored in accessory buildings.

Delete subsection 9.

Mike Hutchins asked about the time frame-as on the rezoning – All of these issues will be discussed under New Business, motions will be made followed by any deliberations and vote, and these recommendations will be forwarded to the Township Board.

Mari Reijmerink asked about changes addressed previously in the Home Occupation where retail was removed. This was addressed in the March 2012 amendments.

Greta Hutchins pointed out that in the corrections for Page 5-2 the 500.000 needed to be changed to 500,000.

The Public Hearing was closed at 8:10PM

VI. Approval of March 25, 2014 minutes - Motion by **DeZwaan** to approve the March 25, 2014 Regular Meeting minutes with corrections. **Gooding** seconded the motion. Motion passed.

VII. Old Business - None

VIII. New Business

a. Zoning Ordinance Text Amendment and rezoning of the Old Landmark and Crawford subdivisions.

Old Landmark and Crawford Subdivision

Gooding asked if there had been any correspondence from people in that area. None had been received until tonight. **Badra** stated that with the number of variance requests made to the ZBA, that maybe there was an issue that needed to be addressed. Since setbacks had been adjusted to be more consistent it had lessened the requests. **Badra** felt that the zoning should be left as it is, he felt we did not want to get into spot zoning. Motion was made by **Gooding** to leave the **Old Landmark and Crawford subdivisions** zoned as they are today (Commercial). Roll call vote:

Hancock – Yes **Badra** – Yes **Newman** - Yes

DeZwaan – Yes **Gooding** – Yes Motion was approved.

Zoning Ordinance Text Amendments

Gooding asked if these corrections are approved as presented, can **Kismet Bakery** still operate as they are now. The answer was yes. This could be the groundwork to work with in the future. **Newman** stated he felt as these Amendments are proposed it is the best that

can be done at this time. **Smalley** felt there still was no middle ground, either it is an unlicensed kitchen or a full scale Commercial entity. The Table of Uses will need to be changed.

Motion was made by **Newman** to approve the proposed Ordinance Corrections submitted to add the category of Cottage Food Industry and the changes to Cottage Industry.

Gooding seconded the motion. Roll Call Vote:

| | | |
|----------------------|----------------------|----------------------|
| Hancock – Yes | Badra – Yes | Newman – Yes |
| DeZwaan – Yes | Gooding – Yes | Motion was approved. |

Other proposed Ordinance Corrections: **Badra** made a motion to accept the proposed ordinance corrections, minus the Cottage Industry and Cottage Food Industry changes that were already voted on, to be presented to the Township Board. **Newman** seconded the motion. Roll Call vote:

| | | |
|----------------------|----------------------|---------------------|
| Hancock – Yes | Badra – Yes | Newman – Yes |
| DeZwaan – Yes | Gooding – Yes | |

Smalley stated that there will be a 30 day review process, it will then go to Regional, and the County Commissioners (as a courtesy) and then goes to the Township Board June Meeting approval.

for

b. Site Plan Review-Kismet Bakery

Mari Reijmerink was asked if she had anything to add to the information submitted for the Site Plan Review. She stated that she wanted to thank the Planning Commission members for all their hard work. She wanted to clarify that this request is according to any codes in affect at this time and will be their Final Site Plan Review.

Commission members were then able to ask any questions that they had.

DeZwaan asked about the name on the application of **Reijmerink/Terczak**. **Reijmerink** stated that she is in the process of having her name changed and didn't know which name to have on the application so she included both. Her name change to **Terczak** should be finalized later this week.

DeZwaan also asked about the acreage. **Reijmerink** stated that she owns 9 acres and has a permanent lease on an adjoining 14 acres. **Badra** advised her that there is a quirk she needs to be aware of involving a lease for more than 1 year, which could amount to a land division. **Reijmerink** stated that she will check with what has been filed with the County but she believed that it was stated as “renewed annually”. **DeZwaan** asked that a copy of the Lease be submitted to **Smalley**. Asked about license renewals, **Reijmerink** advised that she had just renewed the license with the Department of Ag. It has not been received yet, but **DeZwaan** asked that a copy of the license also be submitted to **Smalley**. Members asked if the DEQ had been advised of any changes and **Reijmerink** stated that there were no intended changes. The DEQ permit does not expire until 2016. **DeZwaan** stated that at the January Meeting of the Planning Commission there had been some complaints regarding refuse and traffic, she asked that the refuse be put behind a “screened” fence. This is not to single out **Kismet Bakery**, but has been asked of other businesses. **DeZwaan** brought up the issue concerning Article 13.3b4 Driveways. Two-way traffic requires 22 feet width. Currently

Kismet's driveway is 16 feet wide, with over flow next to the driveway. The concern is with any delivery trucks not being able to access the driveway. **Gooding** stated that he had been there and did not have any problems. Others felt that the 16 feet plus the 18 feet addition for parking was adequate. **Reijmerink** stated that she tries to schedule any deliveries on days that the Bakery is closed and other supplies are picked up from the vendor. **DeZwaan** also addressed the issue of a bigger sign. Other Townships in the area have similar requirements and it was felt that the 6 square foot size for the sign was adequate. An option maybe to

use off premissis signs. Reijimerink asked if these could be on other people's property and she was advised they could "with the owner's permission."

The Planning Commission members then went through the Site Plan Review check list. A motion was made by **Badra** to approve the Site Plan Review for **Kismet** with the following conditions: the refuse area needs to be fenced in, a copy of the Lease needs to be submitted, and any permits need to be submitted to **Smalley** annually or as required. **DeZwaan** seconded. There was then discussion about adding that any additional licensing ie. The Department of Health or other agencies needs to be submitted to **Smalley** as well. Because this was not part of the original motion a vote was called for and did not pass.

Badra motioned again to approve the Final Site Plan Review for Kismet Bakery with the following conditions: a copy of the Lease for the 14 acres be submitted, copies of annual Department of Ag., Health, DEQ and any other license that may apply to this Site Plan, and the screening of trash on the property be done. **Newman** seconded the motion. Roll call vote:

Hancock – Yes **Badra** – Yes **Newman** – Yes
DeZwaan – Yes **Gooding** – Yes

Motion was passed and the Site Plan Map was signed by the Planning Commission members.

IX. Administrative Updates

- a. Township Board-**Gooding** stated that the Township Board met on April 15th. Items discussed included the household hazardous waste program, road projects, a **Felker** dangerous building update, the ambulance contract, which will remain as is for another year, and approved a contract with **B.J. Broe** for mowing along the roads.
- b. Zoning Board of Appeals – **Newman** stated there had been no meeting.
- c. Zoning Administrator – **Smalley** had nothing to report.

X. Future Meetings Dates

The future dates of the PC Regular meetings will be Tuesday, May 27th, 2014 and Tuesday, June 24th, 2014. The Recording Secretary informed members that she will be out of town for the June 24th meeting.

XI. General Public Comment

Eric Pennebaker, 1776 68th Street, stated that he would still like to see a middle ground for the Cottage Industry and Cottage Food issue. He still had concerns regarding the ability of the small businesses being able to expand and grow.

XII. Adjournment

Motion was made by **Gooding** and supported by **Newman** to adjourn. Motion carried unanimously. Adjourned at 9:25 PM.

Respectfully Submitted,
Diana VanDenBrink
Ganges Township Recording Secretary