

**Ganges Township Planning Commission
Regular Meeting Minutes for July 22th, 2008
Draft**

**Ganges Township Hall
119th Avenue and 64th Street
Fennville, MI, Allegan County**

- I. Chairman **Birkes** called the meeting to order at 7:00 PM.

Roll Call: Chairman Jim **Birkes** – Present
Vice Chairman: Barry **Gooding** – Present
Secretary: Jackie **DeZwaan** – Present
Commissioner: Sally **Howard** – Present
Commissioner: Ed **Reimink** – Present
Commissioner: Dawn **Soltysiak** – Present
Board Trustee: Terry **Looman** – Present

Also present was Zoning Administrator – Tasha **Smalley**

II. **Public Hearing – Arrowhead Vineyards / VinTerra Winery Special Use**

Applicant requests a Special Land Use for VinTerra Winery, 114th Avenue (parcel 0307-029-050-00). Uses include wine production, tasting room, retail sales, and a hospitality center, and business offices.

Dan Nitz (7707 Lincoln) explained that the winery will be quiet, peaceful, and good for the area. **Smalley** stated that the proposed winery ordinance had passed (Article 3A.1 G Winery) and that the application appears to meet all the requirements for the Special Use. Bob Simonds (2318 Lake Shore Dr.) asked how much acreage was involved and how the vineyard was situated. Doug Oberst (225 N. Broadway, South Haven) replied that the site is 34 acres and the building will sit about 250 yards off of 114th. Susan Poolman (7021 114th Ave.) asked about water run-off. Oberst replied that the water used in the winery will be treated and then used to irrigate the vineyards.

Public Hearing closed at 7:09.

III. **Public Hearing – Cruz Medrano Special Use**

Applicant requests a Special Land Use to allow him to park at least two commercial vehicles during the week and up to four commercial vehicles on his property, 2186 64th St. on weekends, and to perform preventive maintenance on them. (Parcel #0307-010-004-00, 2186 64th St.)

Medrano explained that he is a truck driver, owns four trucks, needs to maintain them, and has been doing this for six years. It is his business.

Edward Moltzen (6391 122nd Ave.) distributed photographs of the property showing multiple commercial vehicles, and stated that he finds the property an eyesore and repugnant. He believes that the trucks used in Medrano's business exceed the weight limit on the roads. He also said that sometimes the trucks' motors are left running many hours a day and that the smell of the diesel fumes sometimes comes into his home. He asked that the Special Use be denied. Arthur Frederick (2232 Sheffield) also showed a photograph, and stated that the trucks are not suitable for the res/ag neighborhood. He too asked that the Special Use request be rejected. Ross Wightman (1209 66th St.) spoke in favor of the request, saying that truckers need to be allowed to make a living. Darrell Scurio (1450 Scurio Lane) said that while he is not directly affected by this request, he believes that trucks are a way of life and that we need to accommodate the needs of the truckers too. Michelle Delash (6247 122nd) noted that in addition to the trucks parked on the property, there are often trucks parked on the street as well. She finds the property an eyesore. Medrano explained that he only warms his truck up, or lets it idle a brief time after he parks –

the trucks do not create noise 24 hours a day in the neighborhood. The longest trailer he hauls is a 45-foot container. He respects weight limits on the road.

Public Hearing closed 7:20.

IV. General Public Comment

Susan Poolman read a letter to the editor that she had written cautioning citizens about signing petitions before knowing all the facts.

V. Correspondence

Letter from Brooks Healy requesting that the Medrano petition be denied by the Planning Commission.

Letter from Arthur Frederick dated July 17, 2008 requesting that the Medrano petition be rejected.

Letter signed by Pete and Laura Palazzolo (6314 122nd Ave.), Gerald Brennan (6329 122nd Ave.), Tony Feldman (6378 122nd Ave.) and Krista Cadwallader (6294 122nd Ave.) dated July 22, 2008, requesting that the Medrano petition be denied.

Letter from Frank and Debra Smith (6404 122nd Ave.) dated July 11, 2008, in opposition to the Medrano petition.

Email from Julie and Jack Ridl (no address) expressing concern about the Medrano petition.

Memo from Saugatuck Township Planning Commission dated July 2, 2008, noticing their intention to amend the Saugatuck Township component of the Tri-Community Comprehensive Plan.

Letter from **DeZwaan** to Dexter Gauntlett dated July 18, 2008 regarding revised site plan.

Letter from **DeZwaan** to Joshua Harrington dated June 25, 2008 regarding site plan review.

Memo from **Birkes** to Ganges Township Board dated July 3, 2008 regarding Planning Commission Report for June 2008.

Email from **Birkes** to Valdis Kainins (Allegan County) dated June 29, 2008 regarding display maps.

Letter from **Smalley** to Cottage Home dated July 7, 2008 regarding Suequehanna Condominium Project.

VI. Administrative Updates

A. Township Board – Terry Looman

Nothing to report.

B. Zoning Board of Appeals – Barry Gooding

Gooding reported on two ZBA hearings.

C. Zoning Administrator – Tasha Smalley

Smalley reported that Cottage Home had not responded to her requests for final information regarding Suequehanna. She is considering issuing a stop work order until the items have been delivered.

In discussion with **Smalley**, **DeZwaan** asked about Friends Mother's Trust. **Smalley** replied that she has had no contact from them. Gooding said that he understood some lots had been sold, and that he believed the lots are land locked and should not have been sold. **Smalley** explained that we cannot prohibit the sale of land, we can only regulate the use of it.

VII. Business Session

A. Approval of Prior Minutes

Motion by **Howard** to approve the draft minutes from the June 19, 2008 Special Meeting with corrections noted. Seconded by **Gooding**. Motion approved.

Motion by **Soltysiak** to approve the draft minutes of the June 24, 2008 Regular Meeting with changes as noted. Seconded by **DeZwaan**. Motion approved.

B. Approval of Agenda

Soltysiak moved to approve the agenda, **Howard** seconded and the motion passed unanimously.

C. Arrowhead Vineyards / VinTerra Winery Special Use

The Commission discussed the VinTerra request. **Soltysiak** asked the applicant how much set-back there was for the road that runs along the east side of the property. Nitz replied about 12 or 15 feet. Birkes moved the discussion to Site Plan Review, and questioned whether there were enough parking spaces, per the ordinance. Based on the 21,600 square-foot building, there should be 216 parking spaces, but the plan calls for only 135. **Howard** suggested that the Ordinance assumes the entire building is used for the public, but since this is not the case for a winery, the requirement be waived. The Commission decided to accept the parking spaces as listed in the application, because the portion of the building that will be used for wine tasting and a restaurant will have enough parking. **Reimink** asked whether the headlights from cars leaving the winery will shine in the neighbors' house, and expressed surprise that no neighbors had attended the meeting. The applicant replied that most of the activity will happen during daylight hours, so the headlights should not pose much of a problem. The Commission reviewed Smalley's list of Final Site Plan Requirements and agreed that everything was covered in the application. They then reviewed Section 8.5B and found that the application meets all five of the standards set out in that section.

Soltysiak asked what kind of retail sales would be involved? The applicant responded wine, t-shirts, wine glasses, corkscrews, postcards and other items related to wine. She also asked about the events, and whether they will include both for-profit and not-for-profit organizations. The applicant explained that they plan to hold both charitable and for-profit events for local groups. **DeZwaan** questioned the lighting on the street sign, requesting that it not glare at traffic. **Reimink** asked about the well, and was told that the well has been wretched. The adjoining property has been perked, and could be used if necessary.

Howard moved that the Arrowhead Vineyards / VinTerra Winery Special Use application be approved, with the conditions that the street sign be lighted in such a way as not to cause glare for traffic and that the products for sale are related to the winery and incidental to the sale of wine. **Reimink** seconded and the motion passed unanimously on a roll call vote.

D. Cruz Medrano Special Use Application

Commissioner **Reimink** recused himself, as he owns property within 300 feet of the subject property.

Looman asked the applicant whether he has a paint shop in his garage, referring to a car he saw on the property that had been masked-off for painting. The applicant said that it belonged to a relative who parked there and borrowed his tools to paint his own car. **Looman** asked whether he repairs cars on his property. The applicant replied that he does it only for relatives, not as a business. **Looman** said that on a typical Sunday morning, he has seen seven vehicles in the yard, and asked what they all are. The applicant replied that he has drivers whom he allows to park at his property and use his facility to work on their own trucks. **Birkes** referenced a blue Goodyear truck, and the applicant explained that it is not used as a tire truck anymore, he simply has not taken the name off it yet. **Soltysiak** asked whether he employs anyone. Cruz replied that he has drivers who live in the area, and he allows them to use his garage to do maintenance in order to save money. It also allows them to work on the trucks during the weekend, when many garages are not open. **DeZwaan** asked how often people other than his four drivers are using the garage for vehicle maintenance activities. Medrano explained the need to maintain trucks on a regular schedule, but was unable to give a specific number of cars and trucks that were on the property at any given time. He said that he now recognizes that he should only allow two on the property at one time, and when they are completed, move them off and bring the next ones in. **Soltysiak** asked how many drivers he has, and Medrano responded three plus himself. **Gooding** explained that the applicant's neighbors don't like his trucks, and that he needs to figure out a way to park extra trucks off his property. He stressed the need for the neighbors to see a difference.

The Commissioners discussed whether the issue at hand was the number of trucks stored at the property, or the larger issue of the use of the property as a maintenance facility. It was agreed that the only question to be answered is whether the applicant can keep more trucks on his property than allowed in Article 3, Section 3.1 C.3.

DeZwaan pointed out that the ordinance allows for a 1 ½ ton commercial vehicle to be stored in the garage plus two other vehicles without a special use permit. **Birkes** asked Medrano whether he had to park his trailers as well as the tractors on the property. Medrano responded that he needs to park two trailers, usually during the week, and not all the time.

Howard suggested that the Commission could either deny the request, or come to a compromise solution, such as allowing two trucks inside the garage, but requiring that, when another needs to be worked on, one has to be moved off-property, not just to the driveway. **Birkes** pointed out that the trailers won't fit in the garage, and would have to be outside. **Soltysiak** asked whether any of Medraon's trailers had refrigerator units that run all night? Medrano explained that he only pulls containers, and is responsible for their contents once he leaves the pick-up point. Thus, he does not want to leave a full trailer out in the open. He said that he would be able to limit himself to two tractors on the property at a time.

Birkes suggested that, given that the applicant has space for two tractors in his garage, we might allow for them. He then suggested that we deal with the vehicles outside the garage as well, within the context of the ordinance. **Gooding** raised the question that the ordinance does not address whether the vehicles stored outside can be commercial or not.

Birkes requested that the Commission develop a compromise, understanding that the applicant and the neighbors are going to want different outcomes. **DeZwaan** suggested that we allow two tractors in the garage and one tractor/trailer outside. The Commissioners discussed whether a commercial vehicle could be left outside, and then whether the maintenance of the vehicles would be permitted. It was agreed that maintaining one's own vehicles is generally allowed, and that therefore the special use did not need to address that issue.

The Commission reviewed Section 8.5B, Special Land Uses, in relation to this application:

1. Compatibility with adjacent uses. With regard to the storage of the vehicles, yes.

2. Consistency with Ordinance. Yes
3. Compatibility with environment. Yes
4. Consistency with public services. Not really affected.
5. Protect health, safety and welfare: Yes, as we will reduce the current noise and odor.

The Commission moved to Final Site Plan review. **Soltysiak** moved, and **Looman** seconded, that we accept the submitted application as the Final Site Plan for purposes of reviewing the Special Use Application, because it is an ongoing use. The motion passed unanimously.

Howard moved that the Special Use permit be approved to allow for the storage of two commercial vehicles in the garage and not more than one additional commercial vehicle, which could be a tractor/trailer, outside. **Soltysiak** seconded.

DeZwaan questioned whether the motion should include reference to ability to perform maintenance on the vehicles in the garage, as part of the request for special use included that maintenance. **Howard** said that anyone can perform maintenance on the vehicles they own in their own garage, and therefore we do not need to address this. **Birkes** added that we are not condoning the use of the garage as a commercial truck maintenance facility, and if the Zoning Administrator finds that there is a use occurring other than one generally allowed, she will have to address that problem.

The proposal passed unanimously on a roll call vote.

Reimink rejoined the meeting.

E. Old Business

1. Zoning Ordinance Update Project

Howard reported that Brenda Moore, our planner, is leaving LSL, but will stay with Ganges until this project is completed. Moore also agreed to send paper copies of the current draft version of the ordinance to anyone who wanted it, and it was agreed that we should all use a copy from her.

2. Future Land Use Map Committee Report

DeZwaan introduced the committee's report, and indicated that there were many areas for which there was agreement between the map and the minutes. The areas that could not be supported by the minutes included the Mixed Village areas, by parcel, the depth of Commercial along M-89, and the area of General Commercial along M-89 west of Blue Star Highway. **Soltysiak** reminded the Commission that goal of this group was fact-finding, not to make recommendations. Everyone has copies of the minutes that the Committee used, and it was agreed that everyone would review this information to discuss as a group next time.

F. New Business

Soltysiak asked **Smalley** whether we still had an open application from the group that was planning to build townhouses off 121st? The group never came back, so this is not an open issue for us.

VIII. Work Summary & Future Meeting Dates

DeZwaan asked whether, given the significant volume of work the Planning Commission has in order to complete the review of the Ordinance, the Planning Commission members would be willing to add one more work session next month and in September without pay from the Township. There was agreement that all members were willing to do that, and **Looman** will ask

the Board for approval to do so. The next Special Meeting was already scheduled for Aug. 21, and the additional meeting was agreed for Aug. 28. Both meetings will begin at 7:00 p.m. It was agreed that there was no need for the planner, Brenda Moore, to attend the next Special Meeting.

IX. General Public Comment

Mendrano asked whether his approval was in addition to what was allowed in the Ordinance. The Commssioners said no, this was the compromise, and explained that he will receive a letter regarding the decision.

X. Adjournment

Motion by **Looman** to adjourn this meeting, supported by **Howard**. Motion approved. Meeting ended at 9:45 p.m.

Respectfully submitted,

Sally Howard
Planning Commission Member