

Ganges Township Planning Commission
Regular Monthly Meeting Minutes for May 23, 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

DeZwaan stated that the parcel # needed to be corrected on both the Thistle Brewery Conditional Rezoning and Special Land Use (SLU) request, with the last two digits being changed from -00 to -10. Motion was made by **Badra** to accept the agenda, as presented. Motion was seconded by **Gooding**. Motion passed.

At this time **DeZwaan** disclosed that her daughter owns a small blueberry farm ~~that adjoins~~ *adjacent to* the Thistle Brewery property, and asked the committee members if they thought she should recuse herself from the deliberations. **Badra, Newman, Hancock, and Gooding** all agreed that **DeZwaan**'s connection posed no conflict of interest; with **DeZwaan** abstaining from the discussion.

III. General Public Comment —

Frank **Conklin** -7009 Crawford, Glen MI expressed his approval of Thistle Brewery's proposal; describing how it would fit well with the local tourism, wanting them here rather than somewhere else.

Gary **Krier** – Greater Fennville Chamber of Commerce, presented a letter of recommendation, for Thistle Brewery, to The Planning Commission (PC).

IV. Correspondence and upcoming meetings/seminars

DeZwaan has copies of letters sent to:

- 4/11/17 – Michigan Township Services (MTS) non-compliance letter to TO DO LLC
- 4/19/17 – MTS letter regarding Top Grade 1st Quarter Report
- 4/25/17 – PC letters sent to FennValley LLC and Della Ray LLC
- 5/01/17 – to the Township Board, Re: PC budget request
- 5/16/17 – MTS letter Re: update on Dr. **Bastow** project
- 5/23/17 – Letter from Mr. & Mrs. **Hutchins** regarding his approval of the Thistle Brewery proposal
- 5/23/17 - Greater Fennville Chamber of Commerce letter of recommendation

DeZwaan had no seminars to report on.

V. Public Hearing — Opened at 7:02PM

1. Dortha Earl Trust -1821 68th St. Fennville MI 49408
4.05 Conditional Rezoning
Parcel # 03-07-020-027-00 – 1630 Blue Star Hwy.
Parcel # 03-07-020-019-10 – 1821 116th Ave.

Hannah **Lee** & Chuck **Steinhardt**'s legal counsel David **Johnson** presented the proposal for the representatives of Thistle Brewery. **Johnson** explained that the applicants 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 berry fields/patches. The rezoning request proposes changing the layout of the Res/Ag and Commercial boundaries on these parcels to extend the Commercial Zone perpendicular to Blue Star Hwy, encompassing the existing structures, and rezone the SE corner (at Blue Star Hwy and 116th Ave) from Commercial to Res/Ag. The driveway off of Blue Star Hwy would be upgraded, to meet the requirements for the main Ingress/Egress to the Micro-Brewery, with the drive off of 116th Ave being used primarily for Agricultural use.

Audience Comments:

Jim **Birkes** – 2344 70th St. Fennville MI, asked if it would be considered a Brew-Pub. **DeZwaan** and **Smalley** indicated that there would be a Micro-Brewery with a tasting room and ancillary sales.

DeZwaan clarified Ganges Township's definitions of a Micro-Brewery vs. a Brew-Pub.

Eric **Pennebaker** – 1776 68th St. Fennville MI, inquired about the future of the existing berry fields. **Lee** remarked that Thistle would be considered a "Farmhouse Brewery" which would grow many of the ingredients ~~being~~, on-site. **Pennebaker** thought this idea was a great solution to maintaining the agricultural character of the neighborhood.

Fred **Bueltmann** (part owner of New Holland Brewing Co.) – 6181 122nd Ave. Fennville MI, had further questions about the difference between a Micro-Brewery and a Brew-Pub; specifically, the State of Michigan's licensing terminology vs. the Township's. ~~**DeZwaan**~~ **Badra** clarified that this

was a Ganges Township Zoning classification, with one of the determining factors being whether or not the food being served is Catered or Restaurant Service.

Amy **Cook** – 6207 122nd Ave. Fennville MI, disclosed that she had assisted Thistle Brewery with their application(s) and was in support of the conditional rezoning.

Pennebaker – asked for clarification on the “conditional” part of the rezoning. **Smalley** clarified that the commercial rezoning of a portion this parcel would be under the condition that is used only for the one approved purpose, a Micro-Brewery, and no other commercial use.

Birkes – suggested that the PC should approve the application as a Brew-Pub. **DeZwaan** explained that the PC could only approve what had been voluntarily applied for. **Badra** explained that it could be applied for but the applicants could not amend the current request, and would have to reapply and have a new public hearing.

Close Public Hearing at 7:30PM

Public Hearing — Opened at 7:30PM

2. Dortha Earl Trust -1821 68th St. Fennville MI 49408
Special Land Use (SLU), 14.06 II Micro-Breweries
Parcel # 03-07-020-027-00 – 1630 Blue Star Hwy.
Parcel # 03-07-020-019-10 – 1821 116th Ave.

Audience Comments –

Amy **Cook** – 6207 122nd Ave. Fennville MI, expressed her approval of the SLU as it would benefit Agro-Tourism in the area.

Juliet **Michele** – 2578 62nd St. Fennville MI, commented that she was thrilled with all of the new, exciting, young business owners coming into the area.

Jim **Birkes** – 2344 70th St. Fennville MI, stated that Agro-Tourism fits well into the Ganges Township Master Plan. **Lee** went on to say that Thistle Brewery would add to the mosaic that already exists in the artisanal community by making a sustainable product that would reflect the local area.

Dortha **Earl** – 1821 Blue Star Hwy. Fennville MI, commented that FennValley used to buy the property’s blueberries for their wine.

Dan **Shanahan** –Relator, commented on what good stewards to the community the Applicants would be.

Close Public Hearing at 7:34PM

Public Hearing — Opened at 7:34PM

3. Della Ray LLC (David and Juliet **Michele**) – 2578 62nd St., Fennville MI 49408
4.06 Conditional Rezoning

Parcel # 03-07-003-001-00 – 6424 124th Ave. (recent split, no new Parcel#/Address yet)
Juliet **Michele** presented the vehicle repair facility proposal. **Michele** reviewed the revised project narrative along with the requested floor plan for the phase II building, submitted by Cal **Becksvoot**. **Michele** explained how the topographical constraints of the property, combined with the power line Right of Way (ROW), as well as M-89's ROW, and the set-back requirements, severely limits their buildable area. **Michele** also reiterated how the misinformation concerning the Commercial District Boundary line location had compounded the problem, creating a need to extend the Commercial District an additional 60' deep, to accommodate the construction of their proposed storage building.

Audience Comments –

Jim **Birkes** – 2344 70th St. Fennville MI, asked if the Commercial District would then be 560' from the Centerline of The Road. **DeZwaan** answered yes.

Close Public Hearing at 7:39PM

Public Hearing — Opened at 7:39PM

4. Della 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)
Juliet **Michele** explained how the applicant's business, European Auto Restoration, had outgrown their current vehicle repair facility, located at their Saugatuck township residence. **Michele** explained the 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. **Michele** added that the business' clientele also enjoy all of the Dining and Tourism opportunities the artisan community has to offer.

Audience Comments - None

Close Public Hearing at 7:45PM

VI. Approval of August 23, 2016 minutes

A motion was made by **Newman** to approve the April 25, 2017 regular meeting minutes, with corrections. **Hancock** seconded the motion. Motion passed

VII. Old Business – None

VIII. New Business

- a. Conditional Rezoning – Dortha Earl Trust/Thistle Brewery

Badra commented that on pg. 12 of the proposal, #31 of the Site Plan Review Requirements, the "Existing Highway Billboard on the property along I-196" was non-conforming, and couldn't be replaced. **Badra** reminded the applicant that the rezoning of the remaining Commercial District

to Res/Ag had to be voluntarily applied for. **Lee** stated that the applicants wanted to rezone both portions of the parcel(s). **DeZwaan** stated that the parcel numbers (0307 vs 03-07) should be consistent throughout the “portfolio” as well as some typos on the application for rezoning; the first parcel number was missing a dash and the Reason for Rezoning request should read ...minimize the impact on the land and surroundings... **DeZwaan** also agreed with **Badra** that the terminology on pg. 5 and 7 of the request “...applicant would consider removing the Commercial zoning from the rest of the property...” should be changed to reflect that the rezoning request was voluntarily applied for and offered as a condition.

Badra moved that the Planning Commission recommend to the Ganges Township Board the ~~recommendation for~~ approval of ~~you~~ *the* request for Conditional Rezoning for a microbrewery and for rezoning the remainder of Parcel # 0307-020-027-00 to the Residential/Agricultural District ~~will be sent to the Ganges Township Board~~ with the following conditions:

1. That the Conditional Rezonings shall be recorded with the Allegan County Register of Deeds within 90 days of Board approval.
2. That the applicants acknowledge that the Rezonings were voluntarily requested by the applicants, that the applicants will consent to all of its provisions and realize that the Rezonings run with the land and are binding on all future landowners.
3. That the applicant will be responsible for any legal fees the Township incurs relating to the Conditional Rezonings.

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

Badra — Yes

Newman — Yes

Hancock — Yes

Gooding — Yes

b. Special Land Use – Dortha Earl Trust/Thistle Brewery

Badra requested the applicant provide a statement from the Michigan Department of Transportation (MDOT) regarding widening of the Blue Star Hwy driveway. **Gooding** asked how long the existing Driveway Culvert Pipe was and whether it was plastic or galvanized metal. **DeZwaan** explained that was why the PC was requesting the statement from MDOT. **DeZwaan** asked why the outdoor walk-in cooler, shown on Exhibit E & F, had no door shown on the site plan. **Steinhardt** explained that the cooler would be accessed from the exterior of the building from a door on the south side of the unit.

DeZwaan commented on the 48 acre discharge area, shown on pg. 11 & 25 of the request application, remarking that the parcel has *natural* wetlands located on it as well as ~~being~~ ~~located near~~ the Lance Drain; and explaining to the applicant that they may need to comply with Michigan Department of Environmental Quality (MDEQ) regulations concerning Brewery Wastewater discharge.

DeZwaan asked **Smalley** if the construction code would require permits for the installation of the fire-pit and Pergola. **Smalley** replied that permits would need to be acquired from MTS, prior to installation. **DeZwaan** also questioned whether the building code required a certain number of parking spaces, based on the occupant load of the building. **Smalley** explained that the building code does dictate the occupant load but the Township ordinance dictates how many parking spaces are required (1 per 3 occupants). **Lee** stated that they had estimated an occupant load of 80 inside with an additional 78 possible on the outside; and thereby provided 60 parking spaces, to provide for any overflow.

DeZwaan asked about the two existing wells. **Lee** responded that the NE well would be used for irrigation and the other well would be for the brewery. **DeZwaan** questioned what the building's well's output capacity and projected usage would be. **Lee** responded that the well was rated at 50 gallons per minute output, with Brewery's usage being approximately 800-1000 gallons a day, at peak ~~times~~ *times*, and the tasting room adding a potential 1500-1600 gallons a day to that total. **DeZwaan** suggested that the applicants be required to keep a well log and adhere to the Michigan Department of Agriculture and Rural Development (MDARD) and/or MDEQ water use reporting requirements, to meet the standards of the site plan review.

Badra asked **Earl** if the farm was already compliant with the well logs and **Earl** replied that they were. **Badra** explained the PC was not only concerned with irrigation run-off but also how the Brewery's wastewater was being managed.

DeZwaan asked how the spent brewers waste would be disposed of. **Lee** explained that the mash would be collected and distributed to local farmers as animal feed.

DeZwaan reminded the applicants that any outdoor events would require Township Board approval and that copies of any required licenses and permits from regulatory agencies must be provided to MTS within 15 days of issuance.

DeZwaan ~~expressed approval of~~ *explained that* the applicant's Exhibit D, ~~which~~ provided a detailed *plan to deal with Hazardous Substances Inventory & Safety Plan along with Material Safety Data Sheet (MSD)S compliance.*

Badra moved that the SLU for a microbrewery on the portion of parcel # 03-07-020-027-00 and # 03-07-020-019-10 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 copies of any required licenses or permits from regulatory agencies shall be provided to Michigan Township Services within 15 days if issuance.
2. That the billboard ~~will comply~~ *complies* with the Ganges Township Ordinance Section 3.28 Signs, Subsection G. regarding nonconforming signs.
3. That the Planning Commission receives a statement from the Michigan Department of Transportation regarding the widening of the driveway.

4. That irrigation water usage will continue to be monitored by the Michigan Department of Agriculture and Rural Development.
5. That the Special Land Use for a microbrewery shall only become effective if the Conditional Rezoning request is approved by the Ganges Township Board.

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

Badra — Yes

Newman — Yes

Hancock — Yes

Gooding — Yes

Badra asked the applicants where correspondence should be mailed; to which they responded that it be directed to -Thistle Brewery LLC 9049 Second Street Baroda, MI 49101.

DeZwaan reminded the applicants that the PC could only recommend that the Board approve the request, which would hopefully happen at the next board meeting on June 13, 2017.

c. Rezoning Request– Della Ray LLC (David and Juliet Michele)

Smalley asked the applicant if the property had received a new parcel number yet. **Michele** responded that they had not.

Gooding questioned the construction plan details and made recommendations for corrections and alterations. **Gooding** also wished that **Becksvort** had provided a more detailed floor plan for the Phase II Building.

DeZwaan questioned why the ~~requested zone extension~~ rezoning continued all of the way across the parcel, rather than only encompassing the proposed building area. **Michele** replied that they were asking for what they understood they were purchasing and that it seemed like a cleaner/easier way of doing it. **DeZwaan** did not agree, only wanting to rezone the minimal area required to place the proposed storage building. **Newman** thought that a 50’-60’ adjustment, across the entire property, was what had been previously discussed. **Badra** remarked that **Michele’s** request would be simpler to publish.

DeZwaan commented that she had been in contact with Consumers Energy and understood the issues concerning the power line ROW. **DeZwaan** wondered why more fill could not be brought in, remarking on the amount of sand that had already been delivered to the site. Juliet **Michele** informed **DeZwaan** that a Soil Erosion and Sedimentation Control (SESC) permit had been obtained by their excavator and that they were complying with all of the guidelines. David **Michele** explained that the majority of the sand that had been delivered was intended to be used as the base for the concrete floor of the storage building, not as fill.

Hancock asked if the PC had ever approved a similar request. **DeZwaan** explained that they had, when they had previously updated the Ganges Township Master Plan; and that the Master Plan allows the depth of the Commercial Corridor to be extended, under certain circumstances.

Badra moved that the Planning Commission recommend to the Ganges Township Board the approval of the rezoning of approximately 0.939 acres (60 feet deep by 681.82 feet in width) of Parcel # 0307-003-001-00, 6424 M-89/124th Ave. Fennville, MI 49408 from the Residential/Agricultural District to the Commercial District by extending the Commercial District to 560.12 feet from the center of M-89/124th Ave. with the following conditions:

1. That the rezoning shall be recorded with the Allegan County Register of Deeds within 90 days of Board approval.
2. That the applicant will be responsible for any legal fees the Township incurs relating to the rezoning.

Motion was seconded by **Gooding**. Motion passed by roll call vote. **DeZwaan** — No

Badra — Yes

Newman — Yes

Hancock — Yes

Gooding — Yes

d. SLU– Della Ray LLC (David and Juliet Michele)

Gooding questioned the detail of the floor plan. **Smalley** explained that he building permit(s) would require more detailed plans.

DeZwaan asked if the oil and gas separator would service both buildings. Juliet **Michele** answered that it would.

DeZwaan questioned whether or not the building code would have specific requirements in relation to the use of the building. **Smalley** explained that there could be specific construction requirements imposed; for example, if there were fire protection concerns that needed to be addressed.

DeZwaan commented that she had been supplied with documentation that the business' hours of operation would be 9am-6pm.

DeZwaan requested that PC require the Phase II building to be constructed within the 2-3 *year* timeline, that any vehicle painting be outsourced, and that there would be no outside storage allowed. **Smalley** reminded the applicant that the rezoning and SLU would need to be recorded with the Allegan County Register of Deeds within 90 days of Board approval.

Gooding suggested that the PC give the applicants more time to start construction on the Phase II building (3-5 years). **DeZwaan** stated that the applicants could always ask for an extension, with Newman agreeing that 2-3 years was sufficient time.

Badra moved that the SLU for a vehicle repair facility on parcel # 03-07-003-001-00 be approved as it complies with Zoning Ordinance Sections 12.03 Site Plan Review Requirements and 14.06 (DD) Special Land Use Requirements for Vehicle Repair Establishments with the following conditions:

1. That copies of any required licenses or permits including from regulatory agencies including the soil erosion permit shall be provided to Michigan Township Services within 15 days of issuance.
2. That blue prints of the buildings will be provided to the Planning Commission.
3. That there will be no outdoor storage of vehicles or equipment.
4. That the hours of operation shall be from 9:00 am through 6:00 pm.
5. That painting will be outsourced.
6. That Phase 2 shall be started within 2 years of the approval of Phase 1 and be completed within 3 years.
7. That the Special Land Use for a vehicle repair facility shall only become effective if the rezoning request is approved by the Ganges Township Board.

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

Badra — Yes

Newman — Yes

Hancock — Yes

Gooding — Yes

IX. Administrative Updates

Township Board-

- a. **Gooding** stated that the Board had approved the Virtue Farm Schedule of Outdoor Events, as well as FennValley's Conditional Rezoning request.
- b. **Gooding** also commented that there was a board resolution concerning a grant for new voting equipment.

Zoning Board of Appeals (ZBA)-

Newman had nothing to report.

Zoning Administrator-

Smalley had nothing to report.

- a. **DeZwaan** asked for an update on the TO DO LLC non-compliance letter. **Smalley** replied that she had received the application and site plan, tentatively on the agenda for the June PC meeting.
- b. **DeZwaan** asked for an update on the KLC fence. **Smalley** replied that it had not been installed, as of date; since his April 30th deadline had not been met she would be sending it to the Board for possible prosecution.
- c. **DeZwaan** asked for an update on the Cottage Homes pre-application conference. **Smalley** remarked that it would not need to be noticed and no decision would be made by the PC, concerning this proposed commercial site condo.

X. Future Meetings Dates

The future dates of the PC Regular meetings will be June 27, 2017 and July 25, 2017.

DeZwaan commented that the corrected FennValley maps had been received and signed by the PC and provided to **Smalley**.

XI. General Public Comment

Steinhardt and **Pennebaker** thanked the PC members.

XII. Adjournment

Motion was made by **Gooding** and supported by **Hancock** to adjourn. Motion carried unanimously. Adjourned at 9:05PM.

Respectfully Submitted

Jennifer Goodrich

Ganges Township Recording Secretary