

**PLANNING COMMISSION**

**SPECIAL MEETING**

**NOVEMBER 4, 2019**

Commissioners present: Derek Babcock (Interim Chair); Mike Koshar; Joe Wooding, Donna Romanak (alternate); Georgette Peterson

Other Attendees included Brian Knotek (Township Attorney); Ken Dettloff; Annie Davidson Funke; Janet Lawrence (Henry's Heritage Winery); Mike DeLora; Kyle Holland; Ron Henry; Susan Wilson

Meeting called to order by Derek Babcock at 6:07 PM.

Pledge of Allegiance was recited.

Review of minutes October 7, 2019 meeting. Motion by Donna, supported by Mike to accept minutes as read. Passed unanimously.

Motion by Georgette, supported by Donna to adjourn the Regular Meeting and open the Public Meeting. Passed unanimously.

Janet Lawrence presented the site plan for the Winery saying it is a 20-acre parcel with a 150 ft set back that is hilly and has maple trees. She plans to have a second room for maple syrup. The wine will be 100% blueberry from berries grown on their 50-acre farm in Grand Junction. She explained that the most wine they have made has been 16,000 gallons and a small winery is described as up to 50,000 gallons. She described the main structure as being a 14-foot-high 40x60 pole barn. They will be open on Thursday, Friday, Saturday and Sunday from April to November. Either she or her husband will be on site when it is open. There will be 18 parking spaces and she is anticipating 20 customers a day. To a question about lighting, she said they will generally close at 7:00 pm. The parking lot will not be paved. Annie asked if they had thought about the driveway and line of site. Brian asked how many employees and Janet said just a couple. Brian asked her if she understood that if any changes to the site plan will be made that she has to come back to the PC first. Janet replied in the affirmative.

Mike DeLora was present to represent the SUP of 50405 28<sup>th</sup> Ave. He said it is about 46 acres zoned Ag; it will be a MM cultivation facility; cameras will comply with State regs.; and there will be 8-foot fencing. To the question of how many employees, he responded 5 full time and up to 15-20 during harvest. Brian asked about the type of license being applied for; response was 1 Class C which is up to 1500 plants. Mike asked how far off the road it will be and Mr. DeLora said it meets the requirement. Mike asked if there was anything on the property and Mr. DeLora said it is vacant. Annie asked if there aren't 2 barns on that property to which Ron Henry replied that there are 2 barns at the far East end of the property. Brian asked if the 2 barns will be part of the grow operation and the response from Mr. DeLora was that they will not. Derek asked if this is a blueberry farm and Mr. Henry replied in the affirmative.

Mr. Delora represented the property on 27035 CR 215. Derek stated we do not have a Memo from Ken on this site. Brian asked the number of licenses being applied for and Mr. DeLora said one at this time.

In response to a question, Derek and Mike explained that the properties being discussed are from prior to the moratorium and explained the limits on the processors. Mr. Holland explained the difference between the classes and how many plants were allowed with each class. He stated that only the Class C

growers can have multiple licenses on their sites. Mike asked if the State has limits to which Mr. DeLora replied not at this time. Mike asked how many plants could be on how much ground to which Derek replied that it depends on the type of plants being grown. Mike asked about the procedure for stacking licenses and Brian explained it will be the same criteria as the initial application. It was explained that 1 to 1 ½ % of the Township is being considered for MM at this time. There was a question asked about what these do to our air. Mr. DeLora said this is about economic development. There was a question asked regarding how many farms the grower for the properties being discussed is in charge of. Mr. DeLora replied that he has several and he is an investor. Derek reminded people these are granted for 1 year and then it comes before the board again. He stated that if they aren't following the rules, they would no longer be in business. Mr. DeLora urged people to come to the Board if they have concerns. Joe said if people have questions, they should go to the facilities because they want to show the people what they are doing, Derek stated this is an allowable business and when you buy a house in the country, you don't know what is coming in. There was a discussion about odors at that time. A comment was made that there is a concern about people, and it was reported to the PC that there was a person with binoculars staring at the MM property on 215.

Regarding the SUP for 48233 28<sup>th</sup> Ave; there was no one to present.

A motion was made by Georgette, supported by Mike to close the Public Hearing. Passed unanimously.

#### **OLD BUSINESS**

Re: Henry's Heritage Winery. Brian read the criteria for Article 13 and the Commissioners discussed and asked questions. Mike made a motion that the stipulations in Article 13 have been met. There was discussion and Mike retracted his motion. He made a motion supported by Donna:

"THAT THE SPECIAL USE PERMIT REQUIREMENTS SET FORTH IN ARTICLE 13 OF THE ZONING ORDINANCE HAVE BEEN MET BASED UPON GHE FINDINGS OF FACT WE MADE TONIGHT WITH THE STIPULATION OF HOURS BEING FROM DAYLIGHT TO 10:00 PM."

Passed unanimously

Regarding Article 5 of the Zoning Ordinance, the Commissioners discussed and asked questions of Janet and Ken. Mike made a motion, supported by Georgette:

"THAT THE SITE PLAN REQUIREMENTS SET FORTH IN ARTICLE 5 OF THE ZONING ORDINANCE HAVE BEEN MET BASED UPON THE FINDINGS OF FACT WE MADE TONIGHT."

Passed unanimously

Mike made a motion, supported by Georgette:

"THAT WE RECOMMEND APPROVAL OF THE SPECIAL USE PERMIT AND SITE PLAN TO THE TOWNSHIP BOARD WITH THE HOURS OF OPERATION BEING FROM DAYLIGHT TO 10:00 PM."

Passed unanimously

Re: Left Coast (48233 28<sup>th</sup> Ave). Ken reported that some of the issues have been fixed but some have not and he suggested we postpone further discussion at this time. A motion was made by Joe and supported by Mike to:

“TABLE THE SPECIAL USE APPLICATION FOR 48233 28<sup>TH</sup> AVE. BANGOR, MI. UNTIL APPROVAL FROM KEN DETLOFF HAS BEEN RECEIVED.”

Passed unanimously

Re: 27035 CR 215 Bangor, Mi, Brian asked the PC to consider reviewing Article 2018-02 with conditions. Ken does not have a memo on this property. Brian stated that Ken did see the Site Plan and that a Public Hearing has been held.

Re: 50504 28<sup>th</sup> Ave, Bangor, Mi: Derek inquired as to the location of the Site Plan and the response was that no one has it. There was a suggestion that this property be tabled to a later date. Ken said there were 3 plans that he found issues with. Brian asked Mr. DeLora if this was postponed to the December PC and Township Board meetings (when the Board could act), if that we be ok. Derek added that the PC will not have another public hearing when all the information we need, and all materials are not here. Mr. Henry said he is running out of time to postpone the closing on this property again. Ken stated he has one copy of each of the three properties.

Discussion and questions from the Commissioners on this Application and Ken’s Memo of 8/7/2019 took place. There was a motion made by Donna and supported by Georgette:

“THAT THE REQUIRMENTS SET FORTH IN ORD. NO. 2018-02 HAVE BEEN MET BASED UPON THE MEMORANDUM OF KEN DETTLOFF WITH THE PROVISION THAT THE SITE PLAN BE LOCATED AND IN THE ARLINGTON TOWNSHIP HALL.”

Passed unanimously

Regarding Article 13 in relation to this property, discussion by Commissioners took place. A motion was made by Donna, supported by Georgette:

“THAT THE SPECIAL USE PERMIT REQUIRMENTS SET FORTH IN ARTICLE 13 OF THE ZONING ORDINANCE HAVE BEEN MET BASED UPON THE FINDINGS OF FACT WE MADE TONIGHT WITH THE CONDITIONS OF HOURS OF OPERATION BE FROM DAYLIGHT TO 10:00 PM AND THE GATES AND DRIVES WILL BE A MINIMUM OF 20 FEET WIDE”.

Passed unanimously

Ken commented that the PC, the Board and he reviewed a lot of applications and some applicants have gone to considerable expense. He stated that when he sees a site plan submitted with minimal information, he feels the creator is showing disrespect. He added that he thinks it is important the Township have a full plan on file as built.

Derek said sometimes changes are made and submitted to the State without going to the PC. He also stated that an architect from another State should know the requirements of the State he is working on.

Regarding Article 5 of this property, there was discussion amongst the Commissioners and Donna made a motion that we recommend approval of the special use permit and site plan to the township board without conditions. She then withdrew this motion and made a motion:

“THAT WE RECOMMEND APPROVAL OF THE SPECIAL USE PERMIT AND SITE PLAN TO THE TOWNSHIP BOARD SUBJECT TO THE FOLLOWING CONDITIONS: THE HOURS OF OPERATION WILL BE FROM DAYLIGHT

TO 10:00 PM AND THE GATES AND DRIVEWAYS ARE A MINIMUM OF 20 FEET WIDE AND THE SITEPLAN WILL BE PHYSICALLY LOCATED AT THE ARLINGTON TOWNSHIP HALL”;

Supported by Georgette and passed unanimously.

Regarding the 27035 CR 215 Application. Mike made a motion, supported by Donna:

“TABLE THE APPLICATION UNTIL THE SITE PLANS HAVE BEEN REVIEWED AND APPROVED BY KEN DETTLOFF”.

Passed unanimously.

#### NEW BUSINESS

Derek stated he would like to review the SUP's that are currently due in January. That meeting will be on January 8, 2020 at 6:00 PM.

Brian commented again that if there is a change in the site plan, it must go before the board. He explained the difference between the MM renewals and the SUP renewals.

Derek presented a Special Use Permit form that will be in triplicate with the white copy going to the Township, the yellow copy going to the PC and the pink copy going to the property owner.

There was discussion about SUP's that have had no activity in one year. Brian stated there is something in the zoning ordinance regarding “under what condition can it be considered to be abandoned”. There was discussion about expansion of use requiring new site plans. There will be a spread sheet on the website with addresses, type of license, MM license date and facility license date.

#### PUBLIC COMMENT

Annie reminded people that John encouraged them to write complaints or concerns down.

Ron Henry asked if the Sate has annual renewals and the response was Yes. He asked why the fee is so low and the response was that this is just for the SUP.

Susan said as receptionist at the hall, a lot of people say they didn't know things and she asked if she could take e-mails and send people the information. Derek responded that we shouldn't get into that because people would be missed. Susan then asked if she can send a link to the web site and was told she could.

Joe commented that we spent a lot of money on the sign outside and it isn't lit and it isn't up to date.

Meeting adjourned at 8:35 PM

Respectfully submitted,

Georgette Peterson