

BOWNE TOWNSHIP PLANNING COMMISSION

ADOPTED MINUTES

REGULAR MONTHLY MEETING

TUESDAY, MAY 14, 2024 7:00 pm

The regular monthly meeting of the Bowne Township Planning Commission was held at the Historic Bowne Township Hall located at 8240 Alden Nash Avenue SE, Alto, Michigan, Kent County.

1. CALL TO ORDER:

The meeting was called to order by Member Oosting at 7:00 pm.

2. ROLL CALL:

MEMBERS PRESENT: JAMES OOSTING – CHAIR
LARRY WINGEIER – VICE-CHAIR
SARAH LARSON – SECRETARY
JAY BARNHART
SHAWN WENGER
DAVID FUSS – TOWNSHIP BOARD REPRESENTATIVE
FRED OESCH
DAVID HOEKSTRA
ROGER GRAHAM

NOT PRESENT:

OTHERS PRESENT: BRADLEY KOTRBA – TOWNSHIP PLANNER, WILLIAMS & WORKS
CLIFFORD BLOOM – TOWNSHIP ATTORNEY’S OFFICE, BLOOM SLUGGETT
12 MEMBERS OF THE PUBLIC

3. AGENDA: MOTION

Chairman Oosting inquired from the Commission if any changes to tonight's agenda were required. After hearing none, Commissioner Larson motioned to accept the agenda submitted for the May 14, 2024, regular Planning Commission meeting, seconded by Commissioner Wingeier. Motion carried.

4. MINUTES: MOTION

Chairman Oosting asked if there were any changes, additions, or corrections to the March 5, 2024, regular Planning Commission Draft Meeting Minutes. Commissioner Larson motioned to accept March 5, 2024, meeting minutes, and Commissioner Fuss supported it. Motion carried.

5. ACKNOWLEDGEMENT OF THE PUBLIC

Chairman Oosting acknowledged and welcomed the members of the public.

6. PUBLIC COMMENT AND CORRESPONDENCE CONCERNING ITEMS NOT ON THE AGENDA

Chairman Oosting asked the public members if they would like to comment on any item, not on tonight's agenda. One individual inquired about whether an update could be provided on where the Township is in the process of getting a biodigester and what the goal of a tour had been. Commissioner and Planner Kotrba confirmed that a public hearing on the biodigester had not yet been confirmed and that a completed application for special land use regarding the biodigester had not yet been submitted.

7. COMMISSIONER COMMENTS

No comments.

8. PUBLIC HEARINGS

Chair Oosting asked about opening public hearings. Commissioner Larson motioned to open public hearings, and Commissioner Graham supported it. Motion carried. Chair Oosting then asked Planner Kotrba to discuss the content of the public hearings.

Planner Kotrba discussed two parcels on Alden Nash behind the property owned by Mr. Huizenga (who had no representatives present), totaling about 21.5 acres. Mr. Huizenga would like to rezone the parcels from R-5 manufactured housing to C-2 commercial to match his existing property. Planner Kotrba recommended that he combine the parcels. Planner Kotrba then highlighted the proposed rezoning's compliance with the standards in the Zoning Ordinance. He noted that the rezoning reasonably and satisfactorily met the five standards, although he provided potential considerations.

Commissioner Barnhart inquired about the other parts of the R-5 district, and Planner Kotrba noted that a manufactured housing development, for which the district was intended, had never panned out.

Commissioner Wingeier asked about the uses allowed in the commercial district, and Planner Kotrba outlined some of the commonly found uses in that commercial district.

A member of the public (Jeff Hansen) asked if the impacts of potential developments that might result from rezoning were considered. Planner Kotrba responded that the Planning Commission had only to determine whether the request met reasonable justifications for a rezoning and noted that a site plan review for any specific development would still be required.

Another member of the public asked for confirmation that the current land use does not meet the use preferred in the Master Plan, and Planner Kotrba confirmed that that was the case, as it was not a high-density residential area as desired in the Master Plan. He also noted that the Planning Commission has discussed updating the future land use goals in the Alden Nash corridor.

Another public member asked if the proposed rezoning was connected to Alto Meadows, and Planner Kotrba said it was not. Another individual asked whether a rezoning would open the door to the Township rezoning another area to R-5. Attorney Bloom said it was unlikely due to the current low demand for mobile home parks, although not impossible.

A resident from Alto Meadows (Alan Green) asked why the Township would not just eliminate all R-5, including at Alto Meadows. Planner Kotrba and Attorney Bloom indicated that Alto Meadows homeowners could request a rezoning. The resident also asked whether commercial districts had a noise ordinance. Commissioner Larson noted that the Township had a noise ordinance through the Kent County Sheriff's Department, and the Commissioners discussed whether it would cover commercial districts in the Township specifically.

Chair Oosting then asked if there were further questions or comments. There were no further comments, so he requested a motion to close the public hearing. Commissioner Larson made a motion, and Commissioner Barnhart supported it. Chair Oosting then closed the public hearing.

Planner Kotrba recommended that the Planning Commission table the topic until a later meeting because no representative for the applicant was present at the meeting to speak on their own behalf. Attorney Bloom noted to the public that in the case of a tabling, the record would remain open and people could still submit letters for or against the rezoning. Commissioner Larson made a motion to table the issue. Commissioner Wingeier seconded. The motion carried.

9. NEW BUSINESS: WINERY ON FARM APPLICATION DISCUSSION

Planner Kotrba introduced an application to open a winery at a farm in the Township and discussed the preliminary steps taken in reviewing the proposal. The Planning Commission allowed the applicants to introduce themselves. The applicants introduced themselves and their backgrounds. They expressed their interest in establishing a small business and being able to use their business as an opportunity to fulfill their dreams, teach their children, and find community. The applicants expressed that they did not plan to live on the farm but were looking for a residence in the area. They then noted that the winery itself was a means to bring their farm product to market and invited the commissioners to ask any questions they had.

Chair Oosting asked about the growing process, and the applicant explained that process and the product yield over time for different grape varieties. Chair Oosting clarified that they would have to wait for around three years. The applicants explained what effort goes into the three years before they have a yield. Oosting asked about frost damage, and the applicants described the decreased yield that might occur. Oosting asked about irrigation, and the applicant noted that the clay soil on the parcel was good at holding moisture and, therefore, would not require significant irrigation but that they would irrigate if needed. Oosting asked about how food trucks in the application fit in, and the applicant responded that it was just an idea they had and that they did not plan to include a full commercial kitchen.

A public member asked if wine brewing was like beer brewing, and the applicant said the processes were very similar. The resident then asked whether they would have big lights in a parking area. The applicant responded that they would have whatever lighting is legally mandated but did not intend to keep the winery open late into the night. However, they noted that there would be nighttime activity during the harvest.

Another public member asked if they would be producing the wine on-site. The applicants indicated that they planned to produce at least a portion on-site (depending on demand) and that they would sell the balance if they overproduced. Commissioner Barnhart then asked how they would source their farm labor. The applicants then responded that they hoped to source most maintenance labor locally but would look at migrant labor if necessary. The individual clarified that the applicant's plot was 35 acres and asked how much was intended to be used for planting. The applicant responded that they planned to use around 28 acres for grapes. Commissioner Barnhart next asked about when they would be putting the proposed buildings up, and the applicants indicated that they would be delaying construction until they had a more stable crop after focusing on the farm itself for a few years. Commissioner Oosting asked about the involvement of the State Liquor Control Commission, and the applicants explained that they applied for a winemaker's license and would follow the rules of the Liquor Control Commission with respect to storage and all other areas. Commissioner Oosting asked about storage security measures, and the applicant responded that they would keep their storage locked and meet whatever requirements were set regarding storage security.

A public member asked if they would need additional approval to build the buildings separate from growing the grapes or if all approval would come together. Attorney Bloom explained that the buildings required a special land use but that they could grow grapes immediately by right.

Chair Oosting asked about the marketing techniques that would be employed to sell their wine. The applicants replied that customers often look for experiences, so they would offer tastings and a wine club. They also might sell to a wine store but were not certain, as their main focus would be on the tasting room, where guests would try the wine, see the vineyard, access walking trails and a playground, and build community.

Attorney Bloom outlined the different options and potential components for what might be included in the operation—growing grapes, processing the grapes, wine tasting, and finally having

further events like weddings. Bloom noted that there were good ideas but that he and Planner Kotrba shared concerns about whether the proposal fits in all respects with the Township Ordinances. One concern included the fact that the applicants had not yet started growing grapes. Once building approval is granted, they would need to start substantial construction on it within one year. If they were unable to successfully grow grapes, they would need to tear the buildings down, so Bloom saw it as “putting the cart before the horse.” Without the farm itself, the winery becomes a purely commercial use that runs with the land. The proposal does not work to preserve an *existing* farm or farm-related building, so it does not fully comply with the intent of the ordinance. Bloom also noted that, if the Planning Commission decided to proceed to the next step with the proposal, they would need to amend the Liquor Control Ordinance for the Township. Lastly, Bloom noted that there was a lawsuit in Old Mission in which the federal courts ruled that once a liquor license is granted to a vineyard, the Township loses all zoning control (although that could change under appeal). As such, Bloom and Kotrba did not believe it was clear whether the proposal fully complied with the Ordinance, in addition to their concerns regarding the timing of building the buildings.

The applicant expressed that they did not want to end up in a situation where they planted the grapes and then were told in several years that they could not open the tasting room and wanted support from the Planning Commission for their plan to open one in the future. Attorney Bloom responded that there is no existing mechanism to give general intent in a manner that bound future Planning Commission members to support new construction later on.

The applicants expressed that their goal had been to be as transparent as possible about what the operation could evolve into in the future, but that they could amend their proposal to allay fears about a commercial enterprise running with no preservation of farmland. Attorney Bloom responded that the most important thing was to get their crop growing first and then bringing the other uses and buildings on board if they are, indeed, able to create a productive vineyard, which the applicant affirmed was their current intent. The applicant stated that there was hay on the farm and clarified whether cutting it would qualify the land as a producing farm. The applicants further expressed a desire to have the promise that they would be able to open the winery before putting in the significant investment of labor and time. Chair Oosting noted that that investment would be required either way, which the applicants confirmed.

Commissioner Barnhart noted that he liked the concept and agreed that it was a difficult situation.

Commissioner Wenger asked whether their plan was to build the buildings first. The applicants responded that that was not their plan, and that they were currently starting with cover crop to rebuild soil health, and that they would follow up with planting acres of grapes at a time as they could afford and manage in order to grow the vineyard. Then, over time, they would be putting in the tasting room once they had grapes with which to produce wine. They clarified to the commissioners that they were looking for a promise that they would be able to build their tasting room in the future. Attorney Bloom reiterated that, even with a good idea, anything could happen in the future with different Planning Commissions and that no mechanism existed anywhere that he

174 was aware of that gave approval for long-term future developments in commercial practices. Bloom
175 encouraged the Township to reexamine the inclusion of wedding venues as an allowed use in the
176 Zoning Ordinance, as its intention was to save existing farms and barns but it could be construed to
177 co-opt that land for pure commercial uses.

178 The applicant asked if they could build a barn and use it for purposes related to their winery needs,
179 and Attorney Bloom noted that that would violate various planning regulations. He stated that if the
180 applicants had a full vineyard in 3-4 years, they could come back and apply to the planning
181 commission for the same purpose, but that there was no mechanism available to give approval now
182 for the future developments.

183 Chair Oosting proposed tabling the issue with the idea that further exploring possibilities and giving
184 the applicants more opportunity to get their crop in to see the potential for success of the vineyard.

185 Commissioner Larson agreed that the Planning Commission could not commit to something 3-4
186 years out due to the speed at which things can change.

187 Commissioner Fuss said that the proposal was a good concept but that the main driveway and
188 walking paths around the vineyard may pose challenges when pesticides need to be applied and
189 that buffer zones, warnings, or a re-arranged layout should be proposed. The applicants responded
190 that there would be limited access to the vineyard in areas and times of year where and when the
191 application of pesticide was necessary.

192 A representative for the applicant provided a comment and question, telling the PC that the primary
193 goal of their agricultural zoning district was to preserve agriculture and that the application offered
194 a great opportunity to do so with transparency about their plans, and that the vast majority of the
195 site was slated for agricultural uses. He then asked whether, given that the conversation was just a
196 discussion, tabling or other action was necessary and what the applicants' ability was to come back
197 and discuss further. Attorney Bloom responded that no action was necessary but that tabling may
198 be useful for administrative purposes, and that the next step would be to set a public hearing if they
199 got to that point in time.

200 Commissioner Larson made a motion to table the issue, and Commissioner Wenger supported the
201 motion. The motion carried.

202 **10. Public Comments**

203 No public comments.

204 **11. Adjourn**

205 Commissioner Graham made a motion to adjourn the meeting. Commissioner Wingeier supported
206 it. Motion carried. The meeting was adjourned at 8:03 PM.

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Bradley Kotrba
Recording Secretary