

Blendon Township
Planning Commission Meeting
February 5, 2019

1. **The meeting was called to order** at 7:00 pm by Chairman Rick Lamer.

2. **Invocation** was given by Jim Vander Veen.

3. **Roll Call:** PRESENT: Rick Lamer Terry Huberts
Jeff Van Eck Jim Vander Veen
Jason Vander Kodde
ABSENT: Jeff De Wind

4. **Also Attending:**

- a) Andrew Moore – Planning Consultant
- b) Kirk Scharphorn Jr – Zoning Administrator
- c) Kurt Gernaat, - Fire Chief

5. ***Motion to approve the agenda*** was made by Jim Vander Veen. Support by Jason Vander Kodde.

Motion Carried

6. ***Motion to approve the Planning Commission Meeting Minutes, dated January 8, 2019,*** was made by Terry Huberts, support by Jason Vander Kodde.

Motion Carried

7. **Opportunity for public comment and communication of business not on the Agenda:**

None

8. **New Business:**

a) **Marihuana Opt-Out Ordinance 95:**

- Andrew Moore, township planning consultant, offered the commissioners the background for the township needing the new ordinance and reasons to, or not to, consider amending the current zoning ordinances to reflect Ordinance 95.
- Commissioners questioned as to whether it would be in the townships best interest to amend the zoning ordinance.
- Andrew stated that the state regulations concerning the retail sales of Marihuana are slotted to take effect in November 2019. The Commissioners have time to discuss the matter further with the Township Board and see what direction the Board would like to take.

9. Old Business:

a) Farmhaus Cider SLU Amendment:

- This item was 'suspended' at the January meeting; therefore, Chairman Lamer stated that discussion on the Farmhaus Cider SLU Amendment would now resume.
 - Commissioner Jim Vander Veen asked to abstain from all discussions relating to Farmhaus Cider due to his previous and ongoing business relationships with the owner, John Behrens. Jim removed himself from the room.
- John Behrens, owner of Farmhaus Cider, addressed the Commissioners. He stated that they were looking to make four changes to the conditions for approval on the original SLU.
 - Hours: Asked that the date and time restrictions be removed. The facility has new indoor space that enables them to be open during the winter months now.
 - Events: Asked to have the restriction removed of how many events they can host and how those events are handled with the township and zoning administrator.
 - Outdoor Movie Nights: Asked for the ability to hold this event be reinstated.
 - 2nd Driveway Access: Asked to be able to utilize the existing second driveway on the premises for better flow of traffic which will help ensure safety for their patrons.
- Public Hearing was opened by Chairman Lamer.
 - Beverly Hill, of 5085 Stanton:
 - ✓ Mrs. Hill addressed the Commissioners with her opinion on the lack of respect that she has felt from both the township and the owner of Farmhaus Cider concerning her feelings. She feels that the operation of Farmhaus Cider 'disturbs the peace' that she is entitled to as a resident.
 - Mike Hill, of 5085 Stanton:
 - ✓ Mr. Hill addressed the Commissioners to explain the information that was included in a packet that he dropped off on the township on 01/05/2019.
 - ✓ Mr. Hill noted multiple instances where he felt Farmhaus Cider was in violation of the conditions that were placed on the SLU.
 - ✓ Mr. Hill also stated that the Planning Commission stated in the conditions that the SLU would be revoked if more than three violations occurred.
 - Jerry Behrens, lives across the street from Farmhaus Cider:
 - ✓ Mr. Behrens wanted to respond to some of the accusations that Mr. Hill made:
 - Any cars parked along the road have been there because they are hunting on the adjacent property.
 - There were never any orchards on the premises where the parking lot currently is; it has always been a field.
- With no further responses; the public hearing was closed.

- Planning Consultant, Andrew Moore, highlighted areas in the report that he submitted to the Commissioners.
 - Farmhaus Cider currently falls under the zoning ordinance 'Farm with Sales and Entertainment'
 - Andrew recapped how the current zoning ordinance affects the requests that are being made by Mr. Behrens:
 - ✓ Most Significant being the hours and events; 'Farm with Sales and Entertainment' zoning ordinance states that this must be a 'seasonal' operation not year-round. Therefore, within the current classification, Farmhaus Cider would not be eligible for the date and time restrictions to be removed.
 - ✓ Movie Nights: This is not affected by the Farm with Sales and Entertainment Zoning Ordinance and therefore would be the discretion of the Planning Commission on if they would allow for this to be reinstated.
 - ✓ 2nd Driveway: Again, not affected by the Zoning Ordinance. Agrees that it would help the circulation of traffic. This would also be the discretion of the Commissioners.
- Commissioner Huberts stated that the Commissioners should address the grievances that were presented by Mr. Hill and if there are in fact grounds for the suspension of the current SLU.
 - Zoning Administrator, Kirk Scharphorn Jr, addressed many of the issues that were brought up. He stated that he had been called to the site a couple of times and that all issues were corrected immediately.
 - Commissioners felt that based on the evidence provided, Farmhaus Cider was in violation in two conditions: Hours of operation and the height of the fence.
 - ✓ Since there were not the stipulated three violations, the Farmhaus Cider SLU was not suspended.
- *Motion was made by Jason Vander Kodde, and supported by Terry Huberts, to table the discussion of Farmhaus Cider SLU Amendment and so move to establish a sub-committee consisting of Commissioners Terry Huberts, Jason Vander Kodde and possibly Jeff Van Eck, Township Planner – Andrew Moore, and Zoning Administrator – Kirk Scharphorn Jr to meet with Farmhaus Cider owner John Behrens to establish a recommendation that could then be brought back to the Planning Commission for approval.*

Motion Carried
(Commissioner Vander Veen rejoined at 8:20 pm)

b) Rush Creek Lot 51:

- *Motion was made by Terry Huberts, supported by Jeff Van Eck, to remove Rush Creek Lot 51 from tabled business.*

Motion Carried

- Allen Edwin Homes presented a site plan and the history of the site plan to the Planning Commission. The representative explained the history of how the changes to the site plan came about.
- Andrew Moore highlighted the following things in the report that he submitted to the Planning Commission Rush Creek Estates and Lot 51.
 - History of the development

- How the SLU came to be issued
- Conditions of the original approval
- Phase III Stipulations
- Andrew also consulted with Township Attorney, Jim Scales, on this issue.
 - Jim Vander Veen spoke with former Planning Commission Chairman, Mark Leathead concerning his recollection of Rush Creek Estates Phase III. Mr. Leathead stated the he recalled that the property in Phase III was to remain as greenspace for the association.
 - Stan Walker, former Rush Creek Estates HOA President, approached the Commissioners. He submitted the minutes from the 09.03.2013 Planning Commission Meeting, specifically pointing out the stipulations for new construction in relationship to the neighbors.
 - Jean Nolf, current Rush Creek Estates HOA Present, addressed the Planning Commission. Ms. Nolf stated that Allen Edwin Homes has been notified of many issues that have resulted in their construction in the development and has not remedied any of issues at this point.
- A lengthy discussion ensued between the Commissioners.
- *Motion was made by Jason Vander Kodde, supported by Jim Vander Veen, requiring the submission of a completed Site Plan for Phase III, that includes Lot 50, Lot 51 and the greenspace as stated in Condition 7 on the originally site plan approval before further discussion can take place.*

Motion Carried

c) Bonds:

- Zoning Administrator – Kirk Scharphorn Jr, submitted a chart showing the current, expired and closed Surety Bonds.
- There are currently two bonds in question:
 - Vrugink/Ulberg Sand Mine:
 - ✓ Done hauling
 - ✓ Being reclaimed
 - ✓ Completely closed in 3-4 months
 - ❖ Planning Commission would like a bond in place for the \$150,000.00 until job is complete to set consistence and precedent.
 - ❖ Planning Commission also wants to make sure that the applicant is paying the 'price per yard' due to the township for the sand that was removed.
 - ERS tele-com: (72nd and Barry St)
 - ✓ Letters Sent
 - ✓ Messages Left
 - ✓ Emails Sent
 - ✓ No response received
 - Planning Commission decided to Condemn the site.
 - Kirk Scharphorn Jr will place notification at the site and send documentation to the customer.
- Commissioners stated that they would also like to see the SLUs that require recurring reviews with the Planning Commission added to the list.

d) **Outdoor Events Ordinance:**

- Final discussions had on the submitted draft
- *Motion made by Terry Huberts, supported by Jeff Van Eck, to recommend the Outdoor Events Ordinance, as it is presented, to the Township Board for approval.*

Motion Carried

e) **Planning Commission New Member Update:**

- Fire Chief, Kurt Gernaat, handed out a list of potential candidates that have expressed interest in the open position.
- Chairman Lamer will be contacting each of the people on the list to conduct an interview.
- Upon completion of the interviews, Chairman Lamer will submit his results to the Planning Commission for the commissioners to make a recommendation to the Township Board.

f) **Township Board Meeting Update:**

- Commissioner Jim Vander Veen updated the Commissioners on the following items that the Board was working on:
 - 2019-2020 Budget
 - Received the survey of the sidewalks that they are working on for Borculo.
 - Waiting on recommendation for Planning Commission Chairman for addition of new member.
 - Outdoor Events Ordinance
 - Marihuana Opt-Out Ordinance
 - Parks Committee – Approved by Board.

10. Correspondence:

- a) Letter from Wayne and Thurlene Behrens concerning Farmhaus Cider SLU Amendment.
- b) Letter from Troy Rector concerning Rush Creek Lot 51
- c) Discussion by the Commissioners to change the date of the April meeting to April 9 since several commissioners will be gone for spring break.
 - Public Notice will be posted
 - Change will be posted on the website as well

11. Upcoming Events:

- a) Township Board Meeting: February 18, 2019
- b) Planning Commission Meeting: March 5, 019

12. Adjournment:

- a) *With no other business to be brought before the Planning Commission, a motion was made by Jason Vander Kodde, supported by Terry Huberts, to adjourn the meeting at 9:42 pm.*

Recorded by Tina Vander Schuur
Submitted by Jeff De Wind