



Fresh Coast Planning

119 1/2 Washington Avenue, Studio B
Grand Haven, MI 49417
www.freshcoastplanning.com

Gregory L. Ransford, MPA
616-638-1240
greg@freshcoastplanning.com

Julie Lovelace
616-914-0922
julie@freshcoastplanning.com

Kevin Yeomans
616-821-4969
kevin@freshcoastplanning.com

Alexis Sorrell
616-773-4638
alexis@freshcoastplanning.com

MEMORANDUM

To: Tallmadge Charter Township Planning Commission

From: Gregory L. Ransford

Date: August 7, 2023

Re: Farmhaus Cider Company Special Use Application – Storing, Packaging, & Processing of Farm Produce

Attached is a Special Use Application from John Behrens of Farmhaus Cider Company to remodel an existing 4,225 (approximately) square foot building for the purpose of storing, packaging, and processing farm produce at 9265 Kenowa Avenue, parcel number 70-14-01-200-014. In particular, the applicant intends to bottle cider. The property is the former site of Moelker Orchards and Farm Market, which the applicant intends to continue to operate on the property.

The property is located within the Agricultural Zoning District, where storing, packaging, and processing of farm produce is allowed as a special use. As you will note on the site plan submission, the processing area is shown as the “proposed cidery” within the existing northern most building on the property.

The application has been reviewed and found complete. Further below we provide our observations and findings regarding the application for the Planning Commission and applicant to consider. We believe a recommendation of approval may be appropriate.

Proposed Use

As aforementioned, in accordance with Section 5.04(i) – Uses Permitted After Special Approval of the Tallmadge Charter Township Zoning Ordinance (TCTZO), the applicant can seek a special use permit for the processing of farm products within the Agricultural Zoning District. Below is a copy of said section for your convenience.

Section 5.04 – Uses Permitted After Special Approval

- (i) Storing, packaging, and processing of farm produce, provided such activities are done on a farm consisting of at least forty (40) acres and that such storage, packaging, or processing includes farm products grown on that parcel. Canning and freezing activities are prohibited.

As you will note on Sheet C-205 of the site plan, the subject property contains approximately 77 acres and significant farm produce. The applicant outlines the expected crop yields and related ingredients for their processing operation. Given this, it appears the applicant has provided for the related requirements to be considered for a special use permit.

Observations and Findings

Right to Farm Act

While there is more activity on site than the application for special use, the applicant intends to continue to operate the property relatively in the same fashion as the previous owner. Those operations, in addition to intended expanded operations, are expected to comply with the Michigan Right to Farm Act. As long as the applicant conducts those operations in compliance with the Act, the Township does not have any regulatory oversight. As you will

note on the site plan, the applicant has identified varying components of those Act operations, such as the kitchen and café, an indoor tasting room, and an outdoor tasting area.

Outdoor Lighting

The applicant does not propose any new lighting on the site. While exterior light fixtures exist on site, the applicant does not have any available photometrics. As a result, the applicant has provided pictures of those fixtures for your review. The Planning Commission will need to determine if replacement is required, pursuant to the TCTZO and your longstanding practice to reduce light pollution and glare.

Dumpster

While site plans are ordinarily subject to Section 3.31 – Trash Receptacles and Dumpsters of the TCTZO, farms are exempt from the requirements therein. As a result, the applicant is not required to locate the dumpster in the side or rear yard or enclose the dumpster.

Parking & Drives

While site plans are ordinarily subject to Section 15.05 – Parking Lot Layout and Construction of the TCTZO, which requires pavement or concrete for the surface of drives and parking lots, farms are exempt from the requirements therein. As a result, the applicant is not required to pave the drives or parking areas.

Traffic Concerns

Soon after the time the subject property was listed for sale, the Township received a number of concerns from the public in the area regarding the historic traffic on Kenowa Avenue related to the site. While the Township does not specifically mandate a Traffic Impact Study, the Planning Commission possesses the authority to require a Traffic Impact Study pursuant to your review standards.

Section 3.36 – Non-Motorized Pathways

As you know, the Planning Commission shall review and determine whether a bike path or sidewalk should be constructed along the Kenowa Avenue frontage, whether payment in-lieu should be provided rather than construction, or neither. As you are aware, when considering construction or payment in-lieu, the Planning Commission shall review the standards provided therein. For your convenience, below is a copy of Section 3.36(4) along with our comments in italic font to assist with your review.

Section 3.36(4)

In making this determination, the Planning Commission shall consider, in addition to any other relevant factors, all of the following standards:

- a. Vehicle traffic likely to be generated by the development which requires Site Plan approval.

In combination with the processing portion of the property, the applicant proposes an indoor and outdoor tasting room, as well as similar operations to the previous occupant. We expect the amount of traffic to increase from its historic use.

- b. Bicycle, pedestrian, and other non-vehicle traffic likely to be generated by the development requiring Site Plan approval.

It is likely that pedestrian and bicycle traffic will increase given the additional amenities and services provided by the applicant and the amount of residential housing on the east side of Kenowa Avenue.

- c. The importance of the required Non-motorized pathways to provide a safe means for bicyclists and pedestrians, including children, to access schools, churches, parks, libraries, and other amenities intended for their use.

As aforementioned, we understand that traffic concerns exist for this area of Kenowa Avenue. To alleviate conflicts between vehicles and pedestrians, non-motorized pathways are essential to separating those types of uses and reducing conflict. That said, no pathway is present in this area of Kenowa Avenue.

- d. The proximity of the development requiring Site Plan approval to attractions such as parks, churches, public buildings, and shopping opportunities.

There are several churches, schools, and parks within the area of the subject property, located within the City of Walker.

- e. The fair market value of any land required for Easements for the required Non-motorized pathways.

As long as the potential pathway is located within the right-of-way for Kenowa Avenue, which appears feasible, we do not believe that the fair market value of the property is relevant.

Fire Department Review

Comments are pending from the Township Fire Department. We will transmit them to you once received.

Engineer Review

Given the use does not propose any additional impervious surface or grade changes, the Township Engineer has no comments in that regard. The only item of note from the Township Engineer is in regards to the water well and septic system. Specifically, the Township Engineer recommends that both are verified as meeting the County health codes for the proposed use.

Special Use Standards

As you know, the Planning Commission shall review the standards provided by Section 19.06 of the TCTZO during its deliberations. For your convenience, below is a copy of said section along with our comments in italic font to assist with your review.

SECTION 19.06. REQUIRED STANDARDS AND FINDINGS. The Planning Commission shall find adequate evidence showing that the proposed use on the proposed lot generally satisfies the following:

- (a) Will be harmonious, and in accordance with objectives, intent, and purposes of this Ordinance;

Pending your review of the existing light fixtures and the potential for a pathway along Kenowa Avenue, it appears this standard has been met.

- (b) Will be compatible with the natural environment and existing and future land uses in the vicinity;

Given that the primary use of the property is an active farm, we expect the site to be compatible with existing and future land uses. Nonetheless, pending comments received at the public hearing, you could conclude differently. Given this, it appears this standard may be met.

- (c) Will be compatible with the Township Master Plan;

While the Tallmadge Charter Township Master Plan no longer “exclusively” supports an agricultural classification, the Master Plan continues to support agricultural uses throughout the Township, particularly through the map within the southeast portion of the Township, where the subject property is located.

- (d) Will be served adequately by essential public facilities and services, such as but not limited to highways, streets, police and fire protection, drainageways and structures, and refuse disposal, unless the persons or agencies responsible for the establishment of the proposed use will be able to provide adequately any such service;

As aforementioned, we are waiting for comments from the Township Fire Department. Pending your conclusion regarding a formal Traffic Impact Study, it appears this standard may be met.

- (e) Will not be detrimental, hazardous, or disturbing to existing and future neighboring uses, persons, property, or the public welfare;

While we do not believe the proposed use will be detrimental or hazardous to existing or future neighboring uses, pending comments received during the public hearing, this standard may be met.

- (f) Will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

We are unaware of any additional costs as a result of the proposed use. Given this, it appears this standard has been met.

Site Plan Standards

As you additionally know, the request shall be reviewed pursuant to the site plan review standards provided in Section 18.06 of the TCTZO. For your convenience, below is a copy of said section along with our comments in italic font to assist with your review.

SECTION 18.06. STANDARDS. The Planning Commission shall review the site plan for compliance with the requirements of this Ordinance and conformance with the following general standards:

- (a) The applicant may legally apply for site plan review.

The applicant is the owner of the property. Given this, it appears that this standard has been met.

- (b) All required information has been provided.

All required information has been provided. As a result, it appears this standard has been met.

- (c) The proposed development conforms to all regulations of the zoning district in which it is located.

We believe the proposed development conforms to all regulations of the Agricultural Zoning District. As a result, it appears this standard has been met.

- (d) All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of the lot, the character of adjoining property, and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.

We believe all elements of the site plan are harmoniously and efficiently organized, particularly given that the applicant is not proposing any additional buildings and is utilizing the site similarly to its historical use. Given this, it appears this standard has been met.

- (e) The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.

There is not a significant amount of landscaping to be preserved on the site, however, the applicant is generally maintaining the site as it exists today. As a result of the addition of the required parking lot landscaping and front yard landscaping, which will increase the vegetation on site, it appears this standard has been met.

- (f) Natural resources will be preserved to and protected to the maximum feasible extent and organic, wet, or other soils which are not suitable for development will be undisturbed or will be modified in an acceptable manner.

Given that the applicant is not proposing any new structures and particularly because the applicant is not proposing any improvements in areas that are wet, it appears this standard has been met.

- (g) The proposed development will not cause soil erosion or sedimentation problems.

We do not believe the proposed will cause any soil erosion or sedimentation problems given that no new structures are proposed. As a result, it appears this standard has been met.

- (h) The drainage plan for the proposed development is adequate to handle anticipated storm water runoff and will not cause undue runoff onto neighboring property or overloading of water courses in the area.

Given that no new structures are proposed, and the Township Engineer did not express any concerns with storm water, it appears this standard has been met.

- (i) The proposed development properly respects floodways and floodplains on or in the vicinity of the subject property.

Given that the only improvements are adjacent to Kenowa Avenue and are significantly separated from the Grand River, we believe the development property respects floodways and floodplains. Given this, it appears this standard has been met.

- (j) The plan meets the specifications of Tallmadge Township for water supply, sewage disposal or treatment, storm drainage, and other public facilities.

As noted by the Township Engineer, the applicant shall verify that the existing well and septic system are approved by the Health Department to serve the proposed use. Given this, it appears this standard may be met.

- (k) With respect to vehicular and pedestrian circulation on the site, including walkways, interior drives, and parking; special attention shall be given to the location, number and spacing of access points; general interior circulation; separation of pedestrian and vehicular traffic; the avoidance of building corners next to access drives; and the arrangement of parking areas that are safe and convenient, and insofar as practicable, do not detract from the design of the proposed buildings and structures, neighboring properties and flow of traffic on adjacent streets.

Pending your review of whether pathway should be constructed along Kenowa Avenue, we believe the proposed site plan generally accommodates vehicular and pedestrian circulation within this site. Given this, it appears this standard has been met.

- (l) All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means as required by the Township fire department.

The Township Fire Department has indicated that access to the site is sufficient. Given this, it appears this standard has been met.

- (m) The site plan shall provide reasonable, visual, and sound privacy for all dwelling units located therein. Fences, walks, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.

Given that no dwelling units are proposed for this development, we believe this standard does not apply.

- (n) All loading and unloading areas and outside storage of materials which face or are visible from residential districts or public thoroughfares, shall be screened by a vertical

screen consisting of structural or plant materials. Also, outdoor storage of garbage and refuse shall be contained, screened from view, and located so as not to be a nuisance to the subject property or neighboring properties.

Given that the site is an active agricultural use, it is exempt from the TCTZO requirements for loading areas. Given this, it appears this standard has been met.

- (o) All lighting shall be shielded from adjacent properties and public right-of-way.

Following your review of the existing light fixtures, this standard may be met.

- (p) Phases of development are in logical sequence so that any phase will not depend upon a subsequent phase for adequate access, public utility services, drainage, or erosion control.

There are no proposed phases of development. Given this, it appears this standard does not apply.

- (q) Site plans shall conform to all applicable requirements of state and federal statutes and approval may be conditioned on the applicant receiving necessary state and federal permits before a building permit or occupancy permit is granted.

We believe this standard can be considered accordingly.

Public Hearing and Board Approval

Given that the request is a special use, a public hearing is required to be conducted by the Planning Commission. While the Planning Commission would ordinarily render a decision on a special use following the public hearing, Supervisor Bennett has exercised Section 19.02(b) – Authority to Grant Permits of the TCTZO, which requires the special use application to be approved by the Board of Trustees, following their own public hearing. Given this, your review is a recommendation to the Board of Trustees.

Planning Commission Considerations, Recommendation, and Draft Motion

As the Planning Commission deliberates regarding this application, we believe the following warrant your review and consideration. They are listed in no particular order:

- Whether existing light fixtures need replacement
- Whether pathway, payment in-lieu, or neither shall be required on Kenowa Avenue
- Whether a Traffic Impact Study should be required
- Consideration of the non-motorized pathway standards in Section 3.36(4)
- Consideration of the Special Use Standards provided in Section 19.06
- Consideration of the Site Plan Review Standards provided in Section 18.06

Recommendation and Draft Motion

Given our recommendation of approval and in an effort to assist with your formulation of a motion in that regard, we offer the following motion for your consideration. In the event a motion is offered to deny, we will gladly draft that motion for consideration at your next meeting based on your direction.

Motion to recommend approval of the site plan as presented, because it meets the standards provided in [Section 3.36(4)], Section 18.06 and Section 19.06. The site plan includes:

- Special Use Application form, dated _____
- Proof of ownership, LARA document, one page, ID number: 803016191;
- Photograph of existing fencing;
- Photograph of existing lighting;
- 9265 Kenowa Avenue Existing Site Conditions Plan, Sheet C-201, dated 07.31.2023;
- 9265 Kenowa Avenue Site Layout Plan, Sheet C-205, dated 07.31.2023;
- 9265 Kenowa Avenue Landscape Plan, Sheet L-100, dated 07.31.2023;

with the following conditions:

1. The Ottawa County Health Department shall approve the existing water well and septic system for the proposed use. In the alternative, a new water well and or septic system shall be installed. In the instance the new water well and or septic system significantly alters the site plan layout, as determined by the Planner, the site plan shall return to the Planning Commission for review and approval.
2. Execution of the standard Water and Sewer Special Assessment Contract and;
3. [Construct the pathway along Kenowa Avenue / provide payment in-lieu of construction / neither]
4. [Insert Condition, if necessary]
5. [Insert Condition, if necessary]

The proposed is scheduled for your August 22, 2023 meeting, as a public hearing. If you have any questions, please let us know.

GLR
Planner

Attachments

cc: Mark Bennett, Supervisor