

THORNAPPLE TOWNSHIP PLANNING COMMISSION

Regular Meeting, Monday, June 22, 2020

1. Call to Order:
 - a. The meeting was called to order by Chairperson Tom Kilgore at 7:02 p.m. at the Township Hall.
 - b. Present: Elaine Denton, Bryan Finkbeiner, Linda Gasper, Tom Kilgore Sandra Rairigh and Craig Wandrie. Also Present: Catherine Getty, Amy Brown, Rob Dykstra and Sue Dykstra. Present by teleconference call: Shang Ko. Elizabeth Hansson was absent.
2. Approval of Agenda:
 - c. **MOTION** by Gasper, **SUPPORT** by Wandrie to approve the Agenda, as printed. **MOTION CARRIED** with 6 yes voice votes.
3. Approval of Minutes:
 - d. **MOTION** by Rairigh, **SUPPORT** by Gasper to approve the February 24, 2020 minutes. **MOTION CARRIED** with 6 yes voice votes.

MOTION CARRIED with 6 yes voice votes.
4. Citizen Comments: none
5. Public Hearings:
 - e. Special Use #145/ Site Plan #118, Greenhouse Special Event Venue Parcel #08-14-016-004-30, 10197 Garbow Rd.

1. Applicant Presentation – Sue Dykstra

- a. Dykstra summarized her original request made in August 2019 that she be granted a special use permit to hold events in her greenhouse with an 11 pm curfew and a maximum of 250 guests.
- b. Dykstra contrasted regular agricultural business benefits with greenhouse businesses. Both are impacted by the weather, yet greenhouses are not protected or insured as farmers are. Also, they faced closure of business due to the COVID-19 outbreak without being eligible for the same bail-out benefits as farmers.
- c. Dykstra also feels she does not receive the same support as village businesses who receive support from the DDA even though she is a member of the community. She referenced the issue of signage along M-37.
- d. Dykstra stated she would like to see the township allow the permit as a way of support. By allowing her greenhouse to be used as a special event venue during the off seasons, her business would be able to offset the costs incurred during the slower seasons.
- e. Dykstra believes all the requests she has made have been denied, specifically the request to play music. Yet in contrast, her neighbor is allowed to shoot fire arms throughout the day, creating a lot of noise and without any kind of restriction.

f. Dykstra was told by the building inspector she would be required to install a fire suppression system if she was to have more than 99 people inside her greenhouse. However, the cost of the installation is cost prohibitive due to the need for a boosting station to add pressure to operate a sprinkler system.

g. Dykstra then handed out photos of the greenhouse space she is requesting to be used as the event venue to show how wide open to the outside the greenhouse could be.

2. Staff Introduction - Catherine Getty

a. The building inspector met with Rob & Sue Dykstra on Friday, June 19 to review the building. Permits for building were not obtained when it was originally built in 2003. However, part of the conditions for approval was that it met all building code requirements. The building inspector would have needed to verify compliance.

b. Per an email from Josh Case, the building inspector from PCI, the Dykstra's would need to install grab bars in the restroom per ADA requirements. Secondly, they would need to mark the exits with lighted exits signs. Also, they would be limited to a capacity of 99 people without the installation of a sprinkler system. Dykstra replied that they had already installed the grab bars and exit signs and were told Josh Case had approved the building permit.

c. Getty stated the township as well as the Planning Commission does not have the authority to waive the requirement of the sprinkler system should the capacity exceed 99 people in attendance inside the greenhouse. Dykstra questioned why the township could not override this law when, in comparison, the township was able to override the law in regard to medical marijuana. Chairperson Kilgore replied that the sprinkler system was a law applied state wide life-safety code and therefore an exemption could not be applied to the greenhouse. Dykstra replied that barns which hold special events are grandfathered in and are not required to follow this life-safety code. Dykstra requested that her greenhouse be classified as an outdoor venue. Dykstra stated that the original proposal was for 200 people.

d. Getty stated the application could be modified to state that the maximum number of people indoors could be 99 and the maximum outdoor number of people could be 200. Dykstra stated that if it was her only option she would be willing to accept it.

e. Parking Plan reviewed by Getty. Getty and Dykstra discussed the need to adjust parking area to avoid the drainage field for the septic system. Getty suggested the Health Department approve the permit with a revised parking plan which avoids the septic field with 150 maximum parking spaces for events with up to 200 people.

f. Getty asked Dykstra if a tent would be placed when having the outdoor portion of an event? Dykstra replied yes, at times she would have a tent set up for 48 hours. Dykstra asked if an architectural report would be necessary? Getty asked the commission if they would accept the building inspector report in regard to tents being used. Getty stated the architectural report is necessary in regard to a retro-fitted barn venue.

3. Site Plan Committee Report (Finkbeiner, Denton, Wandrie)

- a. Finkbeiner thought the permit was pretty straight forward and was surprised that the limit was 99 people. Denton asked Dykstra if she would still be able to have 99 inside and 200 outside? Dykstra stated that yes, she could. She also stated that she did not need any building code inspector approvals for a complete outdoor venue. Gasper asked for clarification as to whether Denton had her question answered. Denton replied yes. Dykstra stated most of the people would be outside with 99 inside at any one time. Rairigh then asked how Dykstra would handle music levels if outside? Dykstra replied that she didn't know exactly but if she couldn't have music then she wouldn't have it even though her neighbor would be shooting at all hours and making noise. Dykstra then said she didn't understand how the township could approve a tower but not approve her event venue.
- b. Dykstra stated she doesn't feel the township supports her even though she and her family have supported the township by donating flowers in the veteran's memorial among other things.

4. Public Comments

Public Hearing opened at 7:34 p.m.

- a. Shang Ko, by telephone, stated that he disagrees with Josh Case's classification of the greenhouse as an A2 and therefore needing a sprinkling system for more than 99 people. The inspector rules all special event venues as group B. Yet, another inspector may rule it something different. He believes we have to live with the inconsistency at this time but hopes the State may rule on this at some time in the future. When Ko inquired with the State about the decision of the inspector, he was told the State defers to the inspector with regard to the inspection process.

Public Hearing closed at 7:38 p.m.

5. Commission Questions and Deliberation

- a. Gasper stated that she would like further investigation as to the building inspection process, the inconsistencies that may or may not exist, how they classify the buildings and requirements as well as how it impacts the ordinances.

b. Denton inquired as to Shang Ko's interests in this process. Getty explained that he is considering renovating a barn for special events as well.

c. Dykstra stated that she would have preferred to start the process back in August with the building inspection and knowing how this was going to be. Gasper stated Dykstra was told this is a new process and was warned there were going to be bumps in the road as they work together to learn the process.

d. **MOTION** by Gasper, **SUPPORT** by Wandrie to table until the July 27th meeting the Special Use #145/ Site Plan #118, Greenhouse Special Event Venue, Parcel #08-14-016-004-30, 10197 Garbow Rd. until conditions have been met in regard to:

1. Building inspection report
2. ADA compliant parking plan
3. Barry Eaton Health Department approved "Change of Use" permit to operate a special use event venue

Roll Call Vote: Finkbeiner- Yes, Denton- Yes, Gasper-Yes, Hansson-Absent, Kilgore- Yes, Rairigh-Yes, Wandrie-Yes. **MOTION CARRIED** with 6 yes votes.

e. Rob & Sue Dykstra leave meeting at 8 pm.

6. New Business:

a. Thornapple Township Master Plan Update – **MOTION** by Denton, **SUPPORT** by Gasper to recommend approval of the Master Plan Draft to the Thornapple Township board.

Roll Call Vote: Finkbeiner- Yes, Denton- Yes, Gasper-Yes, Hansson-Absent, Kilgore- Yes, Rairigh-Yes, Wandrie-Yes. **MOTION CARRIED** with 6 yes votes.

7. Unfinished Business: None

8. Committee Reports: None

- f. Ordinance Committee [Kilgore, Finkbeiner, Rairigh, Gasper (alt)]
- g. Site Plan Committee [Denton, Finkbeiner, Wandrie, Hansson(alt)]
- c. Joint Planning Committee [Denton, Gasper, Rairigh, Kilgore, Getty(alt)]

9. Administrator's Report:

a. Zoning Activity Report

1. Growth – Permit process shows generally growth in the township is about the same as last year with only a slight slow down due to the pandemic.
2. Blue Zones – Gasper stated she would like to participate in the webinar and requested the link. Getty stated that the education has been very helpful but also that there is a large variation in how it is implemented based on the type and size of a given community.
3. Master Planning - Rairigh stated she would be interested in learning more about Master Planning in regard to mixed-use vs. form-based code. Getty gave a brief definition that form based would focus on the building type or form rather than the purpose or use of any given structure.

4. Kilgore asked about an update on the trail. Getty stated that the township is waiting on the State to distribute the funding and that Representative Calley is aware of the timeline. Getty also stated that the railbed is fairly ready for building but that it's just a matter of waiting for the State and as everyone is aware, the State's focus is currently on the pandemic primarily.

b. Code Enforcement Report – Officer Williams continues to work with residents on several issues.

10. Commissioner Comments: none

11. Adjournment:

MOTION by Rairigh, **SUPPORT** by Denton to adjourn the meeting at 8:20 p.m.

MOTION CARRIED with 6 yes voice votes.

Sandra Rairigh, Secretary

Amy Brown, Recording Secretary

Approved _____