

Approved 5/9/12

Special Meeting & Public Meeting of Casco Township Planning Commission
Charles Shaw's Winery & Vineyard
Wednesday, April 18, 2012 6PM

MEMBERS PRESENT: Bruce Barker, John Stroud, Daniel Fleming, David Campbell, Paul Macyauski, and Judy Graff and Janet Chambers, Recording Secretary

ABSENT: Dian Liepe is excused

ALSO PRESENT: Charles Shaw, Alfred Ellingsen, Rick Pulaski, Ronald Colsen, Mr. & Mrs. Karl Barden, Barry Donovan, ~~Kenneth~~ CHUCK Donovan, Bruce McIntosh

1. **Call to order and review of agenda:** Chairman Barker called the meeting to order at 6:10 pm. There were no changes to the agenda.
2. **Reading of notice in the South Haven Tribune on March 18, 2012**
Chairman Barker read the Notice of Public Hearing & Special Meeting regarding a request from Charles Shaw, 520 N. Kingsbury Street, #304, Chicago, Illinois 60654 to operate a winery and vineyard on approximately 10 acres at 7019 109th Ave., South Haven, Michigan 49090(Parcel #0302-007-005-00). The applicant wishes to construct a 3000 square foot building for wine processing, tasting, and retail sales. The project is considered a Farm Market and is allowed as a Special Land Use (SLU) in the Ag zone as stated in Section 15.04P after approval from the Planning Commission after compliance with the above Section and Chapters 15(Special Land Uses) and Chapter 17, Site Plan Review found in the Casco Township Zoning Ordinance.
3. **Correspondence:**
No correspondence received.
4. **Considered a "Farm Market" the project is allowed as a Special Land Use in the Ag zone as stated in Section 15.04P. After approval from the PC and compliance with Chapter 15 (Special Land Uses) and Chapter 17, Site Plan Review as found in the Casco Township**

Chairman Barker asked for comments or inquiries concerning the application from Charles Shaw. There were none.

Shaw introduced himself and gave an in-depth presentation of his background and how he became involved in the winery business. His presentation included pictures of the Charles Shaw Winery that he started in Napa Valley and other wineries as examples of his style and what he envisions.

This is the second request on by Charles Shaw for a vineyard and winery at the same location. The previous request was heard at a special meeting of the Planning Commission on September 26, 2007. Shaw explained that he ran into legal issues concerning the right to the use of the name "Charles Shaw". Due to the expenses incurred during the legal conflict, he has scaled back the size of his vineyard from 40 acres to 10 acres, purchased from Ronald Colsen with the option to purchase 7 additional acres in the next four years. His plan

is to have a 3,000 sq ft. building. The left end being wine tasting, the right receiving grapes and supplies, and the middle the production of wine. There is a pond to the northeast of the vineyard, which is on the Colsen, property, who has agreed to let Shaw use the pond to spray plants for protection against frost and for drainage. There is already a drainage system feeding into the pond from the property Shaw is purchasing from Colsen.

His new "Oerther Vineyard" label will be introduced with the 2010 Riesling which is made from southwest Michigan grown grapes. He plans to grow approximately 50% of his grapes, and purchase 50% from local vineyards. He discussed why he chose Casco Township as the location for his winery and why the location is excellent for growing quality grapes. Photos, and information included in his presentation can be seen at www.Oerthervineyard.com.

Shaw asked that Rick Pulaski, Engineer, Nederveld, 4079 Park East Court, Grand Rapids, MI 49546, present the preliminary site plan drawing. (attached) The drawings show the vineyard and buildings in relationship to neighboring properties and the pond. Pulaski was asked if there was a landscape plan, and he replied that the plan is still evolving and no final plan is set. Shaw added that he is still getting bids and considering building style and landscaping. Barker said that specific plans would need to be in the final site plan.

Chairman Barker asked if there were any questions or discussion.

A clarifying question about whether the property would be purchased or leased, to be sure the actual property owner is the one requesting the SLU. Colsen replied that he is selling 10 acres of his property, with an option for Shaw to purchase an additional 7 acres in the next 4 years. Shaw will be the property owner.

There was discussion about why this SLU falls under "Farm Market" and not "Cottage Industry". Ellingsen replied that a Cottage Industry is for a business with the owner living on the property, which Shaw does not plan to do.

Shaw was asked if he has planned adequate parking. He was asked to consider increasing parking.

Karl Barden, 7019 109th Ave, South Haven, MI 49090, asked if there would be 2 driveways, one entrance and one exit. He has seen several accidents in that area. Shaw said the plan is for one. Ellingsen added the drive is a 25' wide drive. Barden asked that Shaw consider a second drive, not as a requirement, but as a courtesy.

Barden asked whether fermentation will be done on site and how this might affect air quality. Shaw replied that fermentation would be done at the site, but will be under the laws of Environmental Quality Control.

Chapter 15.03 General Standards were discussed and Commissioners voted on whether they felt standards were met in each item.

1 & 2 All in favor.

3. Discussion ensued about #3. *The use is, or will be as a result of the special land use permit, served adequately by public service and facilities, including, but not limited to roads, police and fire*

protection, drainage structures, refuse disposal, and schools. Adequate water and sewer facilities must be available. It was decided that #3 should be contingent upon the following 8 conditions:

1. Determine if the plan needs to be submitted to the Drain Commissioner for verification of the overall drainage plan as shown.
2. Determine if the Fire Safety Officer has been given a copy of the plan for any relevant input regarding development of a fire fighting plan in case of fire.
3. Determine if hours of operation will actually differ from those stated.
4. Discuss lighting patterns for onsite lighting on or near the building, the driveway entrance, and parking area. If hours of operation are to be only during daylight hours, then only minimal lighting may be necessary for after hours employees or other work operations.
5. Discuss State of Michigan licensing requirements and procedures with the applicant.
6. Discuss applicants landscaping ideas
7. Status of any Allegan Health Department deliberations.
8. Approval from the Road Commission

Approve #3 with these 8 conditions. All in favor.

- 4 & 5 All in favor.
6. Come back to this after looking at 15.04.

15.04 P. Specific Special Use Standards, Farm Markets

1. All in favor
2. NA
- 3.- 7 All in favor
8. Part of Site Plan Process. All in favor.
9. All in favor
10. NA
11. – 13. All in favor
14. Amend to say "one ground sign not exceeding 32 ft. as per Chapter 19.09". All in favor

15.03 General Standards

6. All in favor.

Chairman Barker asked if there was any more discussion

Special Land Use to be granted with conditions in #3, and amendment to #15.04P #14. All in favor.

The Planning Commission discussed Chapter 17.00

ii thru vii were discussed. Shaw is planning to purchase grapes in Michigan and begin a white wine in September, bottling in April. Timeline varies depending on type of wine. He was asked if his timeline is feasible considering inspections that will need to be done. It will be 3 or 4 years out before a full crop of grapes will be harvested. Noting that item Vii a detailed landscape plan is not done at this time, but will be needed for final site plan review. All in favor.

Preliminary Site Plan Requirements were discussed on page 17-3 of Zoning Ordinances. The following sections of the site Plan Requirements will need to be completed:

- #2 A legal description and parcel number will need to be obtained
- #6 Rick Pulaski will be working on site plan and landscape
- #9 Shaw will need to work with Ellingsen to be sure he is in compliance with building height requirements.
- #11 An illumination pattern will need to be covered
- #14 Buildings, parking and drives need to be within 100 ft of property lines
- #17 Will be covered in the landscape plan.

Preliminary Site Plan Requirements. Pg 17-3

- # 6 Rick Pulaski is the engineer for landscaping
- # 9 Work with Alfred to be sure to comply w/ height buildings
- #11 Illumination pattern. Alfred stated that the site will be on a large parcel Barker suggest that Shaw be in touch with Alfred on this
- #14 With the exception of those on 109th (barker, yes those need to be added)
- #17 Part of landscaping plan

Barker entertained that the Preliminary Site Plan be approved. All in favor.

Barker asked if anyone had questions. Shaw was concerned about the 7am – 10pm hours of operation, and said that in the fall the wine making process takes place at night. Ellingsen replied that the hours of operation pertain to the public part of the business only.

Barden pointed out that on the map, to the west of the winery site, the property owner is listed incorrectly. The property has been owned by Barry Donovan since 1921.

Motion to adjourn. All in favor. Meeting adjourned at 8:04 PM.

Minutes prepared by Janet Chambers, Recording Secretary

Attachments:

- Preliminary Site Plan drawing of location
- Site Plan Review application
- Letter of support from Ronald and Carole Colsen