VILLAGE OF SPRING LAKE
PLANNING COMMISSION

AGENDA
REGULAR MEETING
APRIL 25, 2023 | 7:00 PM

Barber School Community Building
102 West Exchange Street
Spring Lake, MI 49456

1. CALL TO ORDER
2. ROLL CALL
   Bectel, Duer, Garrison, Horine, Parker, VanderMeulen
3. APPROVAL OF THE AGENDA
4. APPROVAL OF THE MINUTES – March 28, 2023 Meeting
5. CORRESPONDANCE
6. STATEMENTS OF CITIZENS – AGENDA ITEMS ONLY
7. PUBLIC HEARING:
   A. Proposed Text Amendments: Alcohol Manufacturing Facilities
      Brewpub, Microbrewery. Small Distillery, Small Winery, Restaurants, Assembly
      Operations, Restaurants with Assembly Operations
8. OLD BUSINESS:
   A. Proposed Text Amendments – Alcohol Manufacturing Facilities
      Brewpub, Microbrewery. Small Distillery, Small Winery, Restaurants, Assembly
      Operations, Restaurants with Assembly Operations
9. STATEMENTS OF CITIZENS – NON-AGENDA ITEMS ONLY
10. COMMENTS OF PLANNING COMMISSIONERS
11. STAFF REPORT
12. ADJOURNMENT

Cassandra Chaphalkar, Village of Spring Lake, (616) 604-6319

Next Meeting: May 23rd, 2023
1. **CALL TO ORDER**
   Chair Garrison called the meeting to order at 7:00 p.m.

2. **ROLL CALL**
   Present: Bectel, Garrison, Parker VanderMeulen and Duer
   Absent: Horine

3. **APPROVAL OF THE AGENDA**
   Motion by Duer, second from VanderMeulen, to approve the agenda as presented. All in favor, motion carried.

   Yes: 5  No: 0

4. **APPROVAL OF THE MINUTES** – January 24, 2023, Meeting
   Motion by Duer, second from VanderMeulen, to approve the minutes of the January 24, 2023, regular meeting. All in favor, motion carried.

   Yes: 5  No: 0

5. **CORRESPONDANCE** – N/A

6. **STATEMENTS OF CITIZENS – AGENDA ITEMS ONLY** – N/A

7. **New Business**-
   A. **Discussion – Text Amendments**
      Thibault described several possibilities for amending the zoning ordinance to properly define the use of a proposed business in the central business district. their ability to manufacture and distribute products and the degree of regulations that could be supplied regarding the types and quantities of product potentially produced.

      Garrison inquired for further clarification on the different options presented and how they differed from the existing verbiage of the Zoning ordinance.

      Thibault provided examples for each of the described zoning ordinance amendment options and the potential impact each could have for the Village going forward.

      The Commissioners discussed the presented zoning ordinance amendments and the benefits and deterrents thereof.

      Motion by VanderMeulen, second from Duer, to direct staff to incorporate the discussion points as drafted in the minutes into the draft language for zoning text amendments and schedule a public hearing for the next regularly scheduled meeting. All in favor, motion carried.

      Yes: 5  No: 0

   B. **971 W. Savidge – Pre-Application – Restaurant & Tasting Room; MicroDistillery**
      Thibault explained that the property has to go through the PUD amendment process because it is included in the boundary of the PUD with the condo association to the north.
Thibault spoke regarding the renovation and development plans that the developers proposed for the property.

The Commissioners discussed the site plans and design concepts provided by the prospective developers; as well as the qualities described within and their potential benefits and detriments.

8. STATEMENTS OF CITIZENS – NON-AGENDA ITEMS ONLY –

Darcy Dye, 114 N Fruitport Rd- expressed the need for developers to provide more conclusive plans for developments prior to bringing them to the Commissioners.

Lee Schuitema, 408 W. Exchange- spoke regarding the condition of the Village owned road leading to the prospective development property.

9. COMMENTS OF PLANNING COMMISSIONERS

Garrison spoke regarding the condition of the Village owned road leading to the prospective development property.

10. STAFF REPORT

Thibault informed the Commissioners that Chaphalkar should be back for the next Planning Commission meeting in April.

11. ADJOURNMENT

There being no further business, the meeting adjourned at 7:47 p.m. All in favor, motion carried.

_________________________________________  _______________________________________
Rory Thibault, Associate Planner              Jordan Schwing, Deputy Clerk
MEMORANDUM

Date:     April 21, 2023

To:       Village of Spring Lake Planning Commission

From:     Cassandra Chaphalkar, Rory Thibault – Village Planning Staff

Subject:  Proposed Text Amendments – Restaurants with Assembly Use

BACKGROUND

Recall during the March meeting, Commissioners discussed possible avenues for text amendments that would allow alcohol manufacturing facilities, such as a micro distillery, to be permitted within the Village. A consensus was formed to allow the use as a special use and define specific performance standards. Commissioners requested that Village Council provide guidance to determine if a new term should be defined, or if it was preferred to broaden existing terms to encompass the proposed use.

Staff presented a summary of the Commissioners’ discussion and an updated staff memo to Village Council for review. After evaluating the possible outcomes, the direction from Village Council was to pursue the use as restaurants with assembly uses. Village Council did not feel it would be appropriate for an alcohol manufacturing facility to exist within the Community Commercial District (C) or Community Business District (CBD) without a restaurant component.

PROPOSED TEXT AMENDMENTS

Two copies of the proposed draft language are provided – a redline copy to note any proposed changes, and a standard copy to be reviewed for approval.

New Definitions

In the draft text amendments, the following definitions will be added:

- Brewpub
- Microbrewery
- Small Distillery
- Small Winery

Each use refers to the State of Michigan’s definition for licensing in order to comply with the State’s standards for licensing. By citing state law, the Zoning Ordinance will not have to be updated as the law is revised throughout the years.
Amended Definition of “Restaurant”, Creation of “Restaurant with Assembly Use”

Following the discussion with Council Members, staff have slightly revised the proposed definition of restaurant and further defined when the restaurant is considered to have an assembly use. Allowed assembly uses will be limited to the newly defined brewpubs, microbreweries, small distilleries, and small wineries.

Amended Definition of “Assembly”

Consistent with the previous staff memo, the definition of assembly is proposed to include the manufacturing of products and blending of materials.

Special Use Standards – Restaurants with an Assembly Use

Commissioners provided direction to draft special use standards to further regulate the operation for restaurants that have assembly uses. There are minor changes from the previous memo, primarily using the general term of building, as to not define principal or accessory, and providing the Planning Commission the discretion to determine if the proposed assembly use is significant enough to be considered as a separate principal use or as a separate use defined as a restaurant with an assembly use. Changes from the previous staff memo are provided below in red.

A. The proposed assembly use shall be contingent upon the established restaurant use. The Planning Commission may determine that the assembly portion of the use is sufficiently large enough to be considered a separate principal use.

B. As applicable, facilities must obtain all required County, State, and Federal approvals. Copies of all approvals must be submitted to the Village. If an approval cannot be obtained prior to Special Use approval, then that approval will be a condition of the Special Land Use, and a copy of the approval must be submitted prior to the issuance of a building permit.

C. Any products used in the process may be stored in a detached building, provided that:
   1. Any such structure complies with the setback requirements for the district in which it is located.
   2. The accessory building is All buildings are compatible in character and materials. with the Main Building
   3. No outdoor storage of materials is permitted.
   4. Storage in tractor trailers shall be permitted for periods not exceeding twenty-four (24) hours which shall occur in the designated loading zone or parking area.

D. The applicant shall demonstrate why the proposed use will not adversely impact other uses in the vicinity and particularly those on adjacent lots.

E. The applicant shall submit estimates regarding the amount and type of truck traffic that can reasonably be expected to enter or leave the site on a daily and weekly basis.

F. If the entire site is not initially being developed, the applicant shall indicate on the required site plan any contemplated expansions or additional development that might be expected to take place at a future date.

G. The Planning Commission reserves the right to require buffering, screening, Setbacks and other elements that are greater than those otherwise required by this Ordinance in keeping with the spirit and intent of this Ordinance to protect the public health, safety and welfare.
H. Federal, State and local agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharge to groundwater, including direct and indirect discharges, shall be allowed without appropriate State, County and Village permits and approvals.

I. If any hazardous materials are to be stored on the site or used in any process, a detailed listing of each substance and the approximate quantity to be located on site shall be submitted. A detailed plan of substance storage, hazard control and prevention, and emergency response shall be submitted and reviewed by the Fire Chief and a report made to the Planning Commission.

J. Any storage facilities shall provide adequate security and Signage to notify the public of any hazardous materials and to prevent trespass.

K. If the Planning Commission determines that any proposed use or activity will create discernable noise, dust, vibration, odor, glare, or heat beyond any property line, a detailed statement shall be provided which addresses and quantifies each concern and addresses how each concern will be minimized to the satisfaction of the Planning Commission.

IMPACT ON EXISTING REGULATIONS

Accessory Buildings and Multiple Principal Buildings

Commissioners should be aware of the current ordinance language regarding principal and accessory buildings. Currently, the Zoning Ordinance prohibits a property from having more than one principal use or building, unless the Zoning Administrator determines the entire development be considered as one use. Additionally, the current ordinance does not specifically address non-residential accessory buildings.

Because of the larger implications of possible revisions, staff will address the topic of multiple buildings at a future meeting. In the interim, developers will still be able to request multiple principal buildings through either Zoning Administrator review or as a departure request for Planned Unit Developments.

SAMPLE MOTION

If the Planning Commission finds the above text amendments acceptable, the following motion can be offered:

**Motion** to recommend the Village Council **approve** the proposed zoning text amendment ordinance with draft date of 04/21/2023.

Please contact staff with any questions.

CC: Christine Burns, Village Manager
ORDINANCE NO. ___

ZONING TEXT AMENDMENT

AN ORDINANCE TO AMEND THE VILLAGE OF SPRING LAKE ZONING ORDINANCE, CHAPTER 390 OF THE CODE OF THE VILLAGE, TO REVISE OR ESTABLISH DEFINITIONS FOR ASSEMBLY, BREWPUB, SMALL DISTILLERY, MICROBREWERY, RESTAURANTS WITH ASSEMBLY OPERATIONS, AND SMALL WINE MAKER, AND TO ESTABLISH SPECIAL USE STANDARDS FOR RESTAURANTS WITH ASSEMBLY OPERATIONS.

THE VILLAGE OF SPRING LAKE, OTTAWA COUNTY, MICHIGAN, ORDAINS:

Section 1. Assembly Definition. Section 390.7.01 of the Spring Lake Village Zoning Ordinance (the “Zoning Ordinance”), shall be amended to include the following definition. (The rest of Section 390.7.01 shall remain unchanged).

ASSEMBLY: Buildings, structures, and premises used for the combining of parts, the manufacturing of products, and the blending of materials, into finished products and/or sub-assembly components for subsequent finishing on or off-site and for the packaging, repackaging, shipping, and receiving of previously manufactured components.

Section 2. Brewpub Definition. Section 390.7.02 of the Spring Lake Village Zoning Ordinance shall be amended to include the following definition. (The rest of Section 390.7.02 shall remain unchanged).

BREWPUB: An eating or drinking establishment which includes the brewing of beer or ale licensed in accord with Section 105 of Act 58 of 1998 (MCL 436.1105(15)), as amended.

Section 3. Small Distillery Definition. Section 390.7.04 of the Spring Lake Village Zoning Ordinance shall be amended to include the following definition. (The rest of Section 390.7.04 shall remain unchanged).

DISTILLERY, SMALL: An establishment that manufactures spirits licensed in accord with Section 111 of Act 58 of 1998 (MCL 436.1111(11)), as amended. A small distillery may also include retail sales, and/or a restaurant, bar, or tasting room.

Section 4. Microbrewery Definition. Section 390.7.13 of the Spring Lake Village Zoning Ordinance shall be amended to include the following definition. (The rest of Section 390.7.13 shall remain unchanged).

MICROBREWERY: An establishment licensed by the State of Michigan to manufacture beer in accord with Section 109 of Act 58 of 1998 (MCL 436.1109(5)), as amended. A microbrewery may also include retail sales, and/or a restaurant, bar, or tasting room.
Section 5. **Restaurant Definitions.** Section 390.7.18 of the Spring Lake Village Zoning Ordinance shall be amended to include the following definitions. (The rest of Section 390.7.18 shall remain unchanged).

**RESTAURANT:** An establishment selling food and drink for consumption on the premises. Examples include restaurants, brewpubs, coffee houses, bakeries, lunch counters, refreshment stands, and similar facilities selling prepared foods and drinks for immediate on or off-site consumption, or for take-out.

**RESTAURANTS WITH ASSEMBLY OPERATIONS:** Restaurants containing Microbreweries, Small Distilleries, or Small Wineries as an assembly operation.

Section 6. **Small Wine Maker Definitions.** Section 390.7.18 of the Spring Lake Village Zoning Ordinance shall be amended to include the following definitions. (The rest of Section 390.7.18 shall remain unchanged).

**WINE MAKER, SMALL (SMALL WINERY):** An establishment that manufactures wine licensed in accord with Section 111 of Act 58 of 1998 (MCL 436.1111(11)), as amended. A small wine maker may also include retail sales, and/or a restaurant, bar, or tasting room.

Section 6. **Restaurants with Assembly Operations.** Section 390.137.30 of the Spring Lake Village Zoning Ordinance shall be inserted to include the following definitions. (The rest of the Section shall be subsequently renumbered, but retain the same content).

- A. The proposed assembly use shall be contingent upon the established restaurant use. The Planning Commission may determine that the assembly portion of the use is sufficiently large enough to be considered a separate principal use.
- B. As applicable, facilities must obtain all required County, State, and Federal approvals. Copies of all approvals must be submitted to the Village. If an approval cannot be obtained prior to Special Use approval, then that approval will be a condition of the Special Land Use, and a copy of the approval must be submitted prior to the issuance of a building permit.
- C. Any products used in the process may be stored in a detached building, provided that:
  1. Any such structure complies with the setback requirements for the district in which it is located.
  2. All buildings are compatible in character and materials.
  3. No outdoor storage of materials is permitted.
  4. Storage in tractor trailers shall be permitted for periods not exceeding twenty-four (24) hours which shall occur in the designated loading zone or designated parking area.
- D. The applicant shall demonstrate why the proposed use will not adversely impact other uses in the vicinity and particularly those on adjacent lots.
- E. The applicant shall submit estimates regarding the amount and type of truck traffic that can reasonably be expected to enter or leave the site on a daily and weekly basis.
- F. If the entire site is not initially being developed, the applicant shall indicate on the required site plan any contemplated expansions or additional development that might be expected to take place at a future date.
G. The Planning Commission reserves the right to require buffering, screening, Setbacks and other elements that are greater than those otherwise required by this Ordinance in keeping with the spirit and intent of this Ordinance to protect the public health, safety and welfare.

H. Federal, State and local agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharge to groundwater, including direct and indirect discharges, shall be allowed without appropriate State, County and Village permits and approvals.

I. If any hazardous materials are to be stored on the site or used in any process, a detailed listing of each substance and the approximate quantity to be located on site shall be submitted. A detailed plan of substance storage, hazard control and prevention, and emergency response shall be submitted and reviewed by the Fire Chief and a report made to the Planning Commission.

J. Any storage facilities shall provide adequate security and Signage to notify the public of any hazardous materials and to prevent trespass.

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Section 7. **Effective Date.**

This amendment to the Code of the Village of Spring Lake, Ottawa County, Michigan, was approved and adopted by the Village Council on ______________, 2023, after a public hearing as required pursuant to Michigan Act 110 of 2006, as amended. This Ordinance shall be effective on ______________, 2023, which date is the eighth day after publication of a Notice of Adoption and Posting of this amendment in the *Grand Haven Tribune*, as required by Section 401 of Act 110, as amended. However, this effective date shall be extended as necessary to comply with the requirements of Section 402 of Act 110, as amended.
CERTIFICATE

I, Marvin Hinga, the Clerk/Treasurer for the Village of Spring Lake, Ottawa County, Michigan, certify that the foregoing Village of Spring Lake Zoning Text Amendment Ordinance was adopted at a regular meeting of the Village Council held on ________________, 2023. The following members of the Village Council were present at that meeting: ________________. The following members of the Village Council were absent: None. The Ordinance was adopted by the Village Council with members of the Council: _______________ voting in favor and _______________ of the Council voting in opposition. Notice of Adoption of the Ordinance was published in the Grand Haven Tribune on ________________, 2023.

Marvin Hinga, Clerk

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ORDINANCE NO. ___

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Marvin Hinga, Clerk

Village of Spring Lake