

## **CALL TO ORDER**

The special quarterly meeting held Monday, March 11, 2024 of the Benton Charter Township Planning Commission was called to order by Trina Rodez at 6:01 pm and a moment of silent invocation was observed.

Members Present: Chairperson Trina Rodez, Marletta Seats, Joe Taylor and Carolyn Phillips  
Members Absent: Matt Davis  
Staff Present: Andy Dean, Loyall Bennett, Deeann Scalf  
Also present: Paula Camp, Mary Camp, Artilla Martins Smith (Property Manager at Benton Manor) and Mike Petrosius (neighbor)

## **SILENT INVOCATION:**

After a moment of silent invocation, Deeann Scalf called the roll (as indicated above).

**APPROVAL OF MINUTES** from February 26, 2024 (no corrections or changes needed). Mrs. Rodez moved to approve. Mr. Taylor second. Roll call vote all in favor of approving minutes.

**AGENDA AMENDMENTS:** None

## **NEW BUSINESS:**

**1. Paula Camp, at 920 North Shore Dr. (Property ID#: 11-03-0212-0010-06-1) is seeking a special use permit to operate a small winery (cidery) tasting room. Site plan as submitted on property zoned A-2 Single Family residential. (Public Hearing).**

A warmer evening. Mr. Dean introduced the 920 North Shore Drive Staff Review as within the Code of Ordinance and the Building Code (Residential Code in this case) Our goal at the Building Department is to help the Applicant achieve their goal. The background of this original Special Use was approved from August 2020 to produce the sparkling cider side of the Business, the Carriage House Cidery was born if you will, and has enjoyed the success in the production of their sparkling cider, and continues to grow their Business and by now wanting to create the outdoor Tasting Room. You will find that the completeness of the Submittal is sufficient to review pursuant to the requirements of the Ordinance. As everyone is well aware, there is several Ordinance sections from 82-481 letters A thru O, there is anyone of those in particular that anyone would be concerned about, that he may be able to answer any questions about.

Ms. Phillips requested hours of operation. Mr. Dean advised it was in the description of the Outdoor Tasting Room, looks like they were hoping to take advantage of the three (3) day weekends when a Holiday falls on a Monday. Ms. Rodez advised hours of operation are from 12:00 (NOON) until dusk. Mr. Dean advised they are open from late April until early November.

Ms. Phillips stated she is not a fan of Special Use Permits, and suggested drawing up their own criteria for them, since they receive so many of them these days. They used to only see one (1) or two (2) here and there, but there are just too many of them now.

Ms. Phillips would like to know the maximum number of attendee's, is there outdoor music, what are the hours of operation, etc. Mr. Dean stated this is all layed out in the project description. Ms. Camp agreed.

Ms. Seats advised LARA is the Liquor Control Commission who protects the consumer and the general public through regulation of those involved in the sale and distribution of the alcohol.

Ms. Seats is asking if there is a license has been applied for and been accepted, if so when does it expire. Mr. Dean advised there is one, but it is expiring in April 2024. Mr. Dean then introduced the Camp's for any questions the Board may have. Ms. Seats asked if the license in question expires on April 30, 2024. Paula Camp explains they do currently have a license for a small winery, which was issued retroactive to May of 2020 to Manufacturer and sell and distribute hard cider in Michigan. So that license is there with no blemishes on it what-so-ever. They have

the renewal for it, they just haven't done the paperwork on it yet. Ms. Camp did not think to bring the current license with, as they didn't think there would be any issues with it. So they just didn't bring it with. The current license is also approved by the Michigan Liquor Control Commission to have a Tasting Room as well (they just don't have one yet is all). Ms. Seats questioned if it is limited to just cider or any type of wine, and does the Liquor Commission control allow you to taste the wine in general in the Tasting Rooms, or is it just cider. Ms. Camp states if they make that wine, then they can taste that wine in their Tasting Room. According to the Michigan Law, they can bring in another provider, or Wineries within the surrounding area Manufacturer the wine which is called a shiner. It is called a shiner, because the bottle is just blank, they make it, and the Camp's put their label on it with their brand, The Carriage House Cidery and stipulate who it was made by. Ms. Phillips commented so you bring another player into it. Ms. Camp states only in a Retail setting will then involve another player in a purchase sense. They are not considered in the mix of things, as they are an independent company. Because the Law does allow them to have someone else Manufacturer wine that they can sell. Ms. Phillips commented initially when you were approved for the license for the wine or cidery, was that taken into account? Ms. Camp that was allowed within the licensing, yes. Ms. Phillips replied, I didn't ask if it is allowed, was it discussed prior to receiving the Special Use Permit for the wine. Ms. Camp does not believe it was discussed. Ms. Camp to answer your questions Ms. Seats, we do make our own cider wine in combination, it is made with grapes and cider. And they do not currently commission anyone to make cider for them, but by Michigan Law they can.

Ms. Seats advised that Stipulation No. 2 (must have a current LARA license and permissions), sounds like they already have this in place, so it is inapplicable. So, it shouldn't be reviewed nor should Stipulation No. 1 (Michigan Liquor Control Code of 1998 to regulate the Outdoor Tasting Room) as they already have Liquor Control involved they will definitely be regulated. Ms. Phillips wants to know how they are being regulated. Ms. Seats stated they drop in, they send people, they are very strict. They will regulate the activity and based on your software, I'm sure it regulates the sale and buying it from somewhere else. Ms. Seats the Liquor Control, controls where you buy your liquor from, so it is very regulated. Ms. Camp yes it definitely is regulated by a licensed Facility.

Mr. Taylor asking if Ms. Seats only concern is with the Stipulations is that the first two (2) should not be on the list and that concerns are only with Stipulation No. 3 (review the Special Use one (1) year after the Special Use is implemented). Which should be the activity, sales and the regulation of liquor coming in and out of the Facility. Ms. Seats states No. 1 is already automatic, as the liquor is already controlled. And No. 2 if we do already have a current license and that all of them expire April 30, 2024 of this year, that they have applied for that license to be renewed and everything goes through the approval process and everything is okay. Ms. Seats Stipulation No. 2 would be that the Township already has so many in the queue that they would have to put their application in. Ms. Phillips says the Tasting Room is probably not listed on the license. Ms. Seats yes it is. Ms. Phillips no as they would need the Township's approval for it. Ms. Seats how many licenses does Benton Charter Township allow, and do they even have one to give out at this time, what's the cap on licenses. Ms. Phillips would have to look into it, but it is available but still would need Township approval on everything. She stated it is available, but still needs Township approval. Ms. Seats so it needs Township approval, and how many are allowed is a contingent, and that the Township does have an available license to issue, and that the Township will approve an additional license. Without them doing that, the Township cannot issue it anyways until the Township Board approves it.

Ms. Camp knows many experts in the Liquor Control, and that there is a vast difference in a full liquor license and someone who is able to sell beer, wine or hard liquor and have a Tasting Room license. Is limited to their license of wine and cider? These are the only (2) two things they are able to serve at this time.

Ms. Phillips wants to know the difference between cider and hard cider. Ms. Camp advised hard cider is with alcohol, and cider is non-alcoholic. They will serve both kinds of cider, alcohol and non-alcoholic ciders for those that don't drink or people who are underage. Ms. Phillips what is the percentage of that. Ms. Camp the percentage ranges from 5.8% to 9.1% currently. Ms. Seats that is the only thing they will be doing, is just the Tasting Room, no other products? Ms. Camp they will be selling bottles, but the Tasting Room is to allow people to taste there product for purchasing. One of the things about this Cidery and that in the United States is that we make local ciders from the local apples. And many of the apples are probably apples you have never heard of, and certainly have never tasted. Things like black twig, or earthly, or esopus spitzenburg so they know in order to sell these

ciders, the customer has to be able to taste what they are purchasing. And to find out why they are different and how they are different. They are currently selling their bottles and tastings at the St Joseph Farmer's Market for the last (2) two years, this will be the third year coming up without any kind of problems or complaints that have come up as far as they know. Which is also regulated by LARA and the MLCC. They also sell at the Kalamazoo Farmer's Market and again do tastings there as well, so people can find out about their ciders. And then if they like them they can buy a bottle. They sell at the Market's the bottles of ciders as well. Which will be the same way at the Tasting Room. Ms. Phillips I am glad you have luck at the Farmer's Markets, but I don't believe it will be the same with the Tasting Room. As you have the Benton Manor Apartment Complex across the street which should be a concern. Ms. Camp understands the concern, and they have went to the complex (Benton Manor) Management and given them the Proposal, as well as the Board of Directors. So far there has been no feedback that they know of. They also canvased their entire neighborhood from North Shore Drive and Adams knocking on doors talking to their neighbors and many of the responses has been enthusiastic and none of them were in any way negative with what they are doing. They are very concerned about being good citizens and being good neighbors to people like Benton Manor and the children. That is why they always want to have something for them, should they come with their parents to the Tasting Room. Ms. Phillips as a Township they need to make sure they condition in case of any complaints. Maybe not today but for complaints in the future. As there is always going to be someone complaining with property sales, or people moving, and to just be careful. Mr. Taylor the amount of people that you serve is based on tasting or room size or is that just the amount of people you guys determine to serve on a daily basis? Ms. Camp we are more concerned about how many people we are serving on an hourly basis. We would love to serve many people on a daily basis, on any given hour we would never expect to serve more than 15 to 20 people in one (1) Tasting Room. We allow appointments to have people reserve space so that they do not get turned away. But unfortunately, we will turn people away if we are too crowded and it's to keep from bothering our neighbors and so that they have a great experience in the Tasting Room. They will not allow buses into the Tasting Rooms in the area, with wedding parties, and all different kinds of shenanigans. They will not allow it, and they have no parking spaces available for the buses to park there, or anywhere near by for them either. They will not be allowed in their Facility.

Ms. Seats asked for the current hours of operation. Ms. Camp they currently work 9:00 a.m. to 5:00 p.m. Monday thru Friday. Mrs. Seats will Liquor Control allow you to change your hours. Ms. Camp the Wine Tasting hours are separate from our Office hours (Production hours). So it is a totally different issue and yes they will allow them to change their hours. Ms. Seats if it is on the application and they say it is ok, if the State says it's ok, then it makes it applicable, as they are very strict with hours of operation with new Applicants. Ms. Camp it is slightly different from the Manufacturing Operation then it is with the Tasting Room. The Tasting Room can be set up so that the sun can set up the hours the way they would like them to be, instead of with special lighting like it used to be.

Ms. Rodez advised this is a Public Hearing, and requested for any public comments, concerns or questions. Ms. Phillips stated no more questions for the Camp's, but yes for Mr. Dean. She requested more information on the drive and parking. Mr. Dean they do enter on one side of the Complex, and it is a wandering u shape driveway. Ms. Phillips how many parking spots is it. Mr. Dean it is (11) eleven or (12) twelve spots. Ms. Camp stated it is shown on the drawings. Ms. Camp stated there are more spaces then what is shown, on each side of the driveway also. Ms. Seats says on the drawing it only shows (10) ten spots. Mr. Dean says yes (10) is shown on the plans but there are more on the other side of the driveway. Mr. Bennett advised they need to be careful to not block off the exits when parking on the other side of the drive. Ms. Camp all of it is grass parking, except for right at the pad where the ADA spots are located. It will not block anything, and if someone does, they will have them move right away. Mr. Dean please add that too, for additional parking on the Drawing Plans. Ms. Camp advised they may be referring to different locations on the drawings. As the grass parking doesn't block any of the drive on the current drawing. Mr. Dean they will review the Drive Plans for parking. Mr. Bennett as we will have to set parameters on the parking that the Township will allow.

Ms. Rodez are there any more questions or comments. Ms. Phillips yes they have more. Ms. Seats wants clarification on where the wine is coming from, the different sources and where they will be coming from outside of their particular Facility. Ms. Camp can't answer that question, as currently they do not anything that is made by another Manufacturer, but who is to say they won't in the future. But for example, the Township just had North

Pier in here, and in their Facility (Tasting Room) they sell red wine and white wine, both of these wines say that they are North Pier wines, yet both of them are made by Fenn Valley in Fennville, MI. So this is something that is very common practice in the Wine Industry and becoming more common in the Beer Industry. They have no contract with anyone to make wine for them, but it would be a licensed wine maker like a St Julian or Fenn Valley if they did. Ms. Camp doesn't even know if they will ever do it, but she cannot say they would never work with someone else. Ms. Seats states that under one (1) condition for this Special Use Permit once implemented that the MLCC does require that the tasting must come from your own inventory for the beer and wine, as well as all opened bottles. Ms. Camp would not dispute that, but once you purchase something, it becomes your inventory. So that is not an issue. They have no issue with a review of inventory or anything after (1) one year. Ms. Camp understands the Townships concerns, and they will work really hard in that first year to make sure everyone is happy. And if they are not, they will try to address the problem. Ms. Camp has no problem with that, so if there is a problem we can correct it. They have had inspections, by the MLCC and by the Health Department, and the Agricultural Department (3 inspections) and the last time they received a very clean report (and she will show us if we would like to see it) other than an empty plastic bucket sitting in front of one (1) of their handwashing sinks. They Inspectors even state how clean the Facility is, and they will show us that email if we would like also. Ms. Camp try really working hard to make it a terrific asset to this Community, not something that will reflect badly on the Township or any of the neighbors.

Ms. Phillips advised this is a Public Hearing. Ms. Rodez asked for any public comments, concerns or questions on this request, please give your name and address for the record. Ms. Artillia Martins Smith the Property Manager at Benton Manor Apartments the last couple of years they have been operating, they have not had any problems nor has anything been brought to their attention. The Board of Directors at Benton Manor have received their Proposal but their Meeting is not until Thursday, March 21, 2024 so she has no concerns, comments or questions from them at this time. Ms. Smith stated Ms. Camp mentioned they would turn folks away, would they allow walk ins into the Facility. Ms. Camp said yes they do. Ms. Smith so if a Benton Manor resident decided to just walk on over to the Facility, would they be turned away if you were over 20 people. Ms. Camp only if we were over, because they couldn't serve them properly. So yes they would have to. No matter who they are, whether Benton Manor resident, or anyone off the street. They would have to turn them away.

Ms. Smith where would the sign be posted. Ms. Camp it would be across the street in the bare spot on the yard just stating The Carriage House. Ms. Smith reviewing the Plans, asking if that is the picture of the sign. Ms. Camp yes that is the mock up of the sign. They would also have an open / close sign that they hang, so people would know when they are open / closed. Ms. Smith asking when the Board would be approving this Project. Ms. Phillips advised they are just the recommending body, and that the Township Board would have the ultimate decision. Ms. Smith would there be enough time to get Benton Manor Board's approval before the Township Board's approval. Ms. Phillips the Township Board's Meetings are the first and third Tuesday of every month. Mr. Dean how about if Ms. Smith e-mails me with any questions, comments or concerns and I can get it to Ms. Phillips (The Township Board) prior to the Meeting held on Tuesday, March 19, 2024. Ms. Smith perfect. Mr. Dean gave her his business card with his contact information on it.

Ms. Rodez are there any other public comments at this time. Mike Petrosius, a neighbor at 958 North Shore Drive (11-03-0212-0009-04-6) are they planning on serving food. Ms. Camp it depends on what you call food, we will not have a restaurant, but we will have snacks. Like a charcuterie board like sausages, cheeses, but it is a refrigerated snack, it is not something that they will prepare on the premises. It will be very simple food, snack like. Mr. Petrosius will there be any smells that come from the Facility. Ms. Camp there will not be any frying, but there will potentially be smoke from their smoker occasionally but they are going to get that anyway because they smoke all summer long already. Ms. Camp it is a pleasant smoke, so there should not be any issues.

Ms. Rodez are there any other public comments, questions or concerns at this time. There were none. The Public Hearing was then adjourned at 6:34 p.m. and the Planning Commission Meeting is reconvened.

Ms. Rodez opened the Meeting back up for discussion. Comments or concerns with the Board's Actions. Ms. Phillips advised the (1) one year review should be a recommendation for approval. Mr. Taylor supported that. Ms.

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Special meeting  
Monday, March 11, 2024 at 6:00 pm

Phillips and to discuss the Liquor Control Commission issues and the LARA Department. Ms. Rodez anything else we need to consider or discuss at this time. Mr. Taylor based on what Marletta stated, we have (3) three conditions. (2) two have already been met so to speak, based on their approval have been met. Therefore, the third condition, he agrees should be put into motion for the yearly review and that our State Holders agree to that as well, the good thing is that we had the Manager from Benton Manor in the audience and come and state they have been good citizens and hosts, so we hope for the best for that. Ms. Phillips stated they only had the making room, not the Tasting Room. Mr. Taylor mentioned that North Shore Inn used to be right down the road from this location, so the neighborhood should already be used to food and liquor being served in that surrounding area. So anyone from the Apartment Complex could walk down there and get any food or drinks, so he doesn't see any change. It is all the same as still having North Shore Inn being right down the road.

Ms. Rodez requested a motion. Mr. Taylor made a motion to approve the Staff Report with the condition of a yearly review. Ms. Phillips advised the Township Board has to approve it first, before the State's approval on it. Ms. Phillips seconded the motion.

Mrs. Scalf did roll call. Ms. Rodez motion passed. Ms. Rodez advised they are only a Recommending Board, and that the Township Board still has to approve it. Ms. Rodez asked for any Zoning Board of Appeals questions or comments. There were none. Mrs. Rodez asked for anyone in the Audience or any Board questions or comments. There were none.

REPORT OF THE BOARD OF TRUSTEES REPRESENTATIVE:	No report
REPORT OF THE ZONING BOARD OF APPEALS REPRESENTATIVE:	No report
BOARD COMMENTS:	None
STAFF COMMENTS:	None.

ADJOURNMENT: There being no further business before the PC, the meeting was adjourned at 6:38 pm:  
*Minutes: Deeann Scalf the Secretary of the Planning Commission.*

Andy Dean, CBO