

Ganges Township Planning Commission
Regular Monthly Meeting Minutes DRAFT for December 7, 2010
(Re-scheduled from November 23, 2010)
Glenn Community Center
6953 114th Ave.
Fennville, MI, Allegan County

I. Call to Order and Roll Call

Chair **Howard** called the meeting to order at 7:05PM.

Roll Call: Chair: Sally **Howard** – Present Vice Chair: Barry **Gooding**- Present
Secretary: Phil **Badra** – Present Board Trustee: Terry **Looman** - Present
Commissioner: Ed **Reimink** – Present Commissioner: Jackie DeZwaan – Present
Commissioner: Ross **Wightman** - Absent
Zoning Administrator Tasha **Smalley** was also present.

II. Additions/changes to Agenda and Adoption

Howard suggested adding B. Next steps for the Zoning Ordinance under Old Business. Motion was made by **Badra** and supported by **Looman** to accept the Agenda with the addition of B. Next steps for the Zoning Ordinance under Old Business. Motion passed.

III. General Public Comments

Howard stated that the Sutherland PUD was not a Public Hearing issue so during this General Public Comments section was the appropriate time for any comments concerning this site plan review.

William Johnson-6957 Lakeshore Court, wanted to be assured that the Ordinance would be followed, that quality be kept and that the water from the **Sutherland** property would be kept off of his property.

Susan Pierson – 6944 Lakeshore, commented on a letter that she had sent to the PC voicing her concerns with the **Sutherland PUD**. She also distributed pictures of the area that were taken in 2009, but stated that it had not changed in 2010, with water standing in the spring after snow had melted and after heavy rain in June. She asked that the area be looked at to make sure it is not wetlands. She asked that it be checked by a Certified Wetlands expert to assure if this would be legitimate open space. She also had concerns about the number of homes, lot sizes and how this would adversely affect adjacent properties.

IV. Correspondence, including upcoming meetings/seminars

Howard stated that she had several correspondence concerning the Sutherland PUD issue.
Paul & Sandy Haskitt
Email from Susan Pierson
Letter from Ryan Ysseldyke, dated December 6, 2010 (Holland Engineering, Inc.)
Email from James & Patricia Howard

V. Approval of Prior Minutes, 10/14 and 10/19/10

October 14, 2010 – Motion by **DeZwaan** to approve the minutes of the October 14th Special Meeting with corrections. Seconded by **Gooding**. Motion approved.

October 19, 2010 – Motion by **DeZwaan** to approve the minutes of the October 19th Regular Meeting with corrections. Seconded by **Gooding**. **Reimink** opposed. Motion approved.

Reimink wanted to see the motion amendment which included Section 7 to show in the minutes.

VI. Public hearing regarding proposed updates to Zoning Ordinance

Howard stated that at each meeting since the public hearings the Planning Commission has been going through the proposed ordinance changes page by page taking into account the issues that were brought up at the public hearings or had been given to the PC in writing. The proposed ordinance changes will not be final until they have been approved by Allegan County and the Ganges Township Board. **Howard** stated that she felt the most critical issue was the inclusion of the Ground Water Protection information. Any commercial or industrial district would be subject to stringent requirements concerning the Ground Water Protection issue.

After these statements the meeting was opened to the public.

William Johnson, 6957 Lakeshore Court-asked how many drafts had been done since 11/09. There have been several, 10/4/10, 10/21/10, and 11/16/10 with substantive changes. He suggested that the new changes be indicated in a way so that you do not have to look through the whole draft again for the changes that have been made. **Howard** stated that they had tried to do this, but it became very difficult to understand.

Vern Beilfuss, 1705 Lake Michigan Drive-asked about 3.04, the 24 foot minimum horizontal dimension. **DeZwaan** explained this had come about from discussion with the community and the opposition to single wide trailers. It has been in the ordinance book since 2006 and is part of the 960 square foot requirement. **Mr. Beilfuss** stated that this makes it far more restrictive than for just single wide trailers: there are many designs now that are for smaller units.

Don Karaus, 2025 Brookhill Drive-The Planning Commission has done a lot of hard work, but there were a couple areas that had been brought up that he did not see any changes. Sign Ordinance-he had traveled around the township noticing signs and the 10 foot requirement after the 66 foot right of way would put some signs out in the woods. He asked the PC to be creative. He found that probably only 5-10% of signs that are now up would conform to this ordinance. Shooting ranges- there is no definition. If the Township does not have a definition then the State's definition is used. This is a broad area, minimum 40 acres, one mile from residences-if the Township is not ready for this issue then maybe it should not be included at this time.

Neil VanLeeuwen, 119th Avenue – had questions on the General Provisions section: Fences-not sure that there is a need for the list of kinds of fences. List only includes three types, split rail is very popular but is not included. There is some inconsistency as far as having a solid fence, one area says that they are allowed in the front yard, but another states it can't be more than 25% solid-this needs to be clarified. Typos- There are several typos that need to be corrected. Site Condos-this is the epitome of planned development.

Jim Birkes, 2344 70th Street-regarding private roads, states on pg 3-34 that it needs a 2 inch thick surface-what kind of surface needs to be clarified. Article 4 boundary level of districts-map needs to show the 500'-1300' unless designated differently. He asked if the Black River Overlay will be part of the Township Map as well, this would be something people need to be able to see. Non-conformity-if a building burns or is destroyed Article 15, pg 15-2, #3 states at 60% or less it can be rebuilt, if 100% it can not, what happens between 60% and 100%. Needs to be clarified.

Vern Beilfuss, 1705 Lake Michigan Drive-pg 3-8, #C. Temporary use of building, two month usage is not long enough for growing season. PC members stated this did not apply to fruit/vegetable stands, it is more applicable to Christmas tree lots, etc. Windmills-pg 3-22, noise level at 50 decibels is probably restrictive. **Badra** said this information was taken from the State requirements. **Mr. Beilfuss** still felt this was restrictive. Pg 3-39 F-Safety issue with horizontal, felt that last sentence should be taken out.

Don Karaus, 2025 Brookhill Drive-had concerns about the map of the Township. Zones have not changed but uses may have and if use is stopped for a year it could not be used that way

again, Ag was his main concern.

Neil VanLeeuwen, 119th Avenue-general farming is not listed in some areas, he felt that it would be much easier if tiered zoning was permitted.

Diana Decker, 1705 Lake Michigan Drive – regarding signs, asked where the 10 foot requirement came from. Also if signs are up now would these be grandfathered in? Response was yes. She also felt that the fence requirements were excessive.

Don Karaus, 2025 Brookhill Drive-stated that he was involved in the decision making of the 960 square foot requirement, but there are many empty-nesters that have smaller beautiful homes, less than the 960 sq.ft. requirement, in other areas.

Vern Beilfuss, 1705 Lake Michigan Drive-pg 3-11 concerning large domestic animals and acreage required, felt that this is excessive and too restrictive. Pg 14-11, #A Equine Boarding-allowed 4-5 animals on 5 acres. This seems inconsistent with the requirements for the large domestic animals issue. Pg 3-13-clear vision-understands that safety issue but felt that the cut back of 25 feet over and above the 66 foot right of way was taking too much land from the farmers.

Susan Pierson, 6944 Lakeshore Court-wanted to thank the Planning Commission, this has been a hard process. We have a diverse township and they have tried to listen to comments from the public, but not everyone is going to be pleased. The work by the PC is appreciated.

Don Karaus, 2025 Brookhill Drive – wanted to know if there would be any further public hearings after these changes are made. **Howard** did not feel that there would be. There has already been two public hearings and people can send in concerns to the PC. It was asked if there would be another meeting of the Planning Commission in December. That will be discussed later in the meeting.

Vern Beilfuss, 1705 Lake Michigan Drive-stated that he felt this draft was more complete and congratulated the PC on what has been done. **Howard** stated that the PC appreciates the input that the public has had.

Diana Decker, 1705 Lake Michigan Drive-asked if the map displayed on the board was the most current. **Howard** stated that it is the most current with three changes, two in the mixed use districts and the mobile home area. It had the corrected two Commercial districts approved last year.

Gooding wanted to clarify about the clear vision issue, explaining that the County had not cut some of the corners and with tractors it is very difficult to see with the nose of the tractor having to come out so far in order to see down the road. **Mr. Beilfuss** agreed that there places where the right of way has been encroached on and this is a safety issue, but still feels that the 25 feet after the right of way is still excessive.

Don Karaus, 2025 Brook hill Drive – asked for clarification on Section 8 Commercial/Mixed use signs. Looks like one sign per lot. He used Earl's as an example of having more than one sign along the road advertising different fruits/vegetables.

There were no further comments. The Public Hearing was closed at 8:15PM.

VII. Old Business

A. Sutherland PUD final site plan review

Badra recused himself. **Howard** asked **Mr. Sutherland** to explain what had happened since the last time this had been discussed. **Mr. Sutherland** presented **Howard** with an official sealed copy of the PUD site and smaller copies were distributed to the PC members and to members of the audience. **Mr. Sutherland** explained the drainage plan, **Mr. Johnson's** report of the overall land evaluation and perk tests which went back to the engineers for drainage zones. The concept is to have diversity and a town square area was created. There is 31% open space. **Howard** asked about the boundary problems and **Mr. Sutherland** said that the Title

Company has been promising to have a solution in a couple weeks. **DeZwaan** asked about the 19.34 acres and the 30% open space. **Mr. Sutherland** said that they had 31%, they had tried to create more open space than needed and how they had calculated it given the problem with the boundary issue. **King and McGregor** Survey was used to do the survey. An environmental certificate identified the wetlands, which are outside the PUD area (east and south of the planned area). The bank had required an Alta Survey which identifies everything having to do with the property, where objects are physically located, creeks, deer paths, foot paths and such. **Holland Engineering** was used and the wetlands have been identified by two surveyors. There are no wetlands in the PUD area. This also coordinates with the County's map as well. Drainage: the wet areas are being addressed but this takes time, determining runoff, density- higher density needs more capacity area to hold that runoff. **Mr. Sutherland** will need to contact the engineering firm for the evaluation. The preliminary proposal and chart needs to be presented to the Planning Commission, then it goes to the County and submit permit applications. The County has given basic approval with conditions. More soil boring tests need to be done, and further engineering drawings for the area. **DeZwaan** asked if King and McGregor walked the area to get the map presented. **Mr. Sutherland** said that they did. The Planning Commission then went through the Final Site Plan review with the help of a Memorandum dated 11/24/10 to the PC from **Tasha Smalley**. **Smalley** will put together a list of all the documents that are on file. The Agreement will need to be reviewed by the Township Attorney after the Planning Commission gives approval. **Howard** suggested that the Township and the applicant split the cost of the Attorney reviewing the Agreement which includes the Maintenance Agreement. After discussion it was decided this is the applicants responsibility. **Mr. Sutherland** suggested it would be good to have a schedule of fees and services for the applicant before the process is begun. All information submitted to the Township Attorney will be recorded with the County on approval. **Smalley** will prepare a list of what the Attorney will review. Changes have been made as requested by the Planning Commission. The Planning Commission can impose reasonable conditions. It appears that the Drain Commissioner will watch this closely as well. **Howard** made a motion to approve the final PUD plan with conditions as follows: the Drain Commission's final approval and the Health Department's final approval for each portion of development, the applicant pays for the Attorney review of Agreement and joint maintenance Agreement. Reasons for approval were the PUD is in keeping with the Master Plan, it conserves natural resources, and designed to protect the environment. **Gooding** seconded the motion. **DeZwaan** asked for clarification that these are all single family dwellings. There was discussion concerning the setbacks which is in **Smalley's** report.

Roll Call vote was as follows: **Looman** – yes **Reimink** – yes
 Gooding – yes **Howard** – yes
 DeZwaan – yes

Two copies of the PUD were signed, sealed copy for the Planning Commission and second copy for the applicant.

Commissioner **Badra** returned to the table.

William Johnson asked where Wind and Woods lies compared to the plan, Sutherland showed it's location on the map, explaining how the drainage would work.

B. Next steps in Zoning Ordinance

Howard went over the changes that need to be made: typos, change in the non-conformity 60%- 100% issue, fences-to include wood fences, and signage. **Howard** said that the easy fixes could be done before it goes to the Board, which will probably have some changes that they would like to see done before it is final. **DeZwaan** also mentioned that we need to get a

definition for Shooting Ranges, and incorporate the Water Overlay into the map. On pg 3-34 the 2 inch road surface needs to be clarified or take out the sentence about the surface. The 500' commercial and 1300' industrial along Blue Star and M-89, unless otherwise designated needs to be included. **Badra** will write up a list of the proposed changes to present to the Board. When we receive the changes that they would like done then all the changes can be incorporated into the final draft. The Planning Commission needs to vote to approve the Zoning Ordinance Draft so that it can go to the County and then the Board for final approval. Motion was made by **Gooding** to send the Zoning Ordinance Draft to the County with changes. **Badra** supported. Roll call vote was as follows:**Looman** – Yes **Badra** – Yes **Reimink** - Yes
Howard – Yes **Gooding** – Yes **DeZwaan** – Yes

Motion was approved.

VIII. New Business

There was no new business.

IX. Administrative Updates

A. Township Board – **Looman** had nothing to report.

B. Zoning Board of Appeals – **Gooding** said there were two applications: **John and Eliese Menear**, 6689 121st Avenue, for a garage already under construction that was too close to the road. This was approved.

Rita King, et al, 1534 64th Street, inherited property and wanted to split a parcel that was 462 feet wide, 250 feet width for one and waiver to for 212 foot piece. Variance was approved.

Badra stated that he had concerns that this could be a bad precedent.

C. Zoning Administrator – **Smalley** had nothing to report.

X. Future Meeting Dates

December Regular Meeting will be Tuesday, December 28th at 7:00PM at the Ganges Township Hall. This could be canceled.

January Regular Meeting will be Tuesday, January 25th at 7:00PM at the Ganges Township Hall.

February Regular Meeting will be Tuesday, February 22nd at 7:00PM at the Ganges Township Hall.

XI. General Public Comment

Gooding asked if the other members of the Planning Commission had read the Planning and Zoning News concerning private roads having to be accessible to hikers and bikers.

Jim Birkes, 2344 Lakeshore – wanted to clarify that the motion made by Gooding concerning the Zoning Ordinance Draft was a motion for the Planning Commission to approve the Draft with changes. All agreed that it was.

XII. Adjournment

Motion was made by **Looman** and supported by **Howard** to adjourn. Motion carries unanimously. Adjourned at 10:15PM.

Respectfully Submitted,
Diana VanDenBrink
Ganges Township Recording Secretary