

**Ganges Township Planning Commission  
Regular Monthly Meeting Minutes FINAL for October 27, 2009  
Ganges Township Hall  
119<sup>th</sup> Avenue and 64<sup>th</sup> Street  
Fennville, MI, Allegan County**

**I. Call to Order and Roll Call**

Chair **Howard** called the meeting to order at 7:00PM and welcomed new members, **Phil Badra** and **Ross Wightman**.

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

**II. General Public Comment**

**Jim Birkes** – 2344 70<sup>th</sup> Street – Questioned the Agenda item concerning the Sutherland project, is this a Preliminary Site Plan Review? Howard stated that it was, but if everything was in order it may be able to move forward.

**III. Approval of prior minutes 8/20/09, 8/25/09, 9/17/09 and 9/22/09**

August 20, 2009 – Motion by **Looman** to approve the minutes of the August 20<sup>th</sup> Special Meeting with corrections. Seconded by **Gooding**. Approved: 5 yes, 2 abstentions.  
August 25, 2009 – Motion by **DeZwaan** to approve the minutes of the August 25<sup>th</sup> Regular Meeting with corrections. Seconded by **Looman**. Approved 5 yes, 2 abstentions.  
September 17, 2009 – Motion by **Gooding** to approve the minutes of the September 17<sup>th</sup> Special Meeting with corrections. Seconded by **DeZwaan**. Approved: 5 yes, 2 abstentions.  
September 22, 2009 – Motion by **DeZwaan** to approve the minutes of the September 22 Regular Meeting as presented. Seconded by **Gooding**. Approved: 5 yes, 2 abstentions.

**IV. Approval of Agenda**

Motion by **Gooding** to accept the Agenda as presented. There was a question about the ability of asking questions during the public hearing which was explained. Motion was seconded by **Looman**. Motion was approved.

**V. Public Hearing – PUD application of Dan Sutherland, Lakeshore Drive property# 0307-005-057-00**

Commissioner **Badra** was ~~excused~~ **recused** from the hearing as he has adjoining property. **Howard** explained that Mr. **Sutherland** would be talking first, then public comments and correspondence would be given.

**Dan Sutherland** went over the information given in his application. This would be the first PUD application “under the current ordinance for the township. **Smalley** attached a

Memorandum, dated October 9, 2009 to the application indicating that all pertinent information had been submitted with the application. **Dan Sutherland** showed the parallel plan for the 19.35 acres. He waited for PUD ordinance which makes it possible for him to be more sensitive to the area/land. In five years he has, with the help of an arborist, cleared smaller shrubs to keep larger trees. He is looking at a two phase plan. He has met with the Drain Commissioner. He also pointed out the green areas, proposed lots and common areas.

**Public Comment:**

only **Jan Schroeder**, 6944 Lakeshore – thought it was a good plan, liked the green space/buffer, concern is the draining issue. Suggested a hydrologist be used to make sure that the drainage is done right.

**Curtis Kamman**, 2236 Lakeshore – asked if this abutted up to Pier Cove, how does it drain? **Sutherland** said that **Kidder King**/McGregor looked at the drainage and met with the County Engineer. There is a ridge, and the Engineer would build a retention area to hold the drainage.

**William Johnson**, 6957 Lakeshore Court – he already has a problem with flooding, he asked if the retention pond could be closer to the road making it possible for the fire department to use for fires. **Sutherland** said that he could talk with the engineer about this. **Johnson** also asked who would be responsible for maintaining the retention pond? **Sutherland** said that he would be until the Association can take over. **Johnson** stated he is not for or against the development, but he is against any more flooding.

**Andy Murch**, 2384 Lakeshore – has not decided if he is for or against. He likes the looks, but also has a problem with drainage. The County needs to look at the drainage in the area.

**Sutherland** encouraged people to come and look at the land to understand why things are on paper where they are.

**Jim Birkes**, 2344 Lakeshore – not for or against. He stated that we have a wet township, this land acts like a natural sponge, if roads/houses are put in it decreases this sponge affect. There are professionals that can look at this affect. **Sutherland** said he had worked with the Drain Commissioner and this is why the density was lessened.

**Rick Corral Vorrel**-realtor-commended **Sutherland** on the time and respect of community concerns.

**Dick Hutchins**, 6326 118<sup>th</sup> Ave. - wondered if the common area could be put into a sodded water way, **Sutherland** stated he could look at that possibility.

**Bob Simonds**, 2318 Lakeshore – he is a trustee of the Pier Cove Trust. There is concern about the Pier Cove Watershed/Plummer Watershed and the south end of the Pier Cove Wetlands. He wanted to know if a hydrological study had been done. **Sutherland** said he had talked to the engineer at the Drain Commission office. Phase 2 would be on hold until information can be obtained.

**Susan Pierson**, 6944 Lakeshore – likes the concept/buffer, but does have a concern about where the retention pond is located. She also mentioned that it appears that lots 4,5,6 drain into the common area, also concerns regarding lots 7-12. **Sutherland** needs to get the general layout of the total number of lots but he will only be dealing with lots 1-5 for now, 6-12 only after more study. The potential road to the next future use can not be part of the 30% open space.

**William Johnson**, 6957 Lakeshore Court – He asked about if the common area paths will wear so that drainage does not go as intended, could a berm be put in to keep drainage away **for from** his property. **Sutherland** will take that suggestion to the engineer and also that the retention pond be moved closer to the road. **Johnson** asked about the undeveloped area, is the Planning Commission approving the acre size? **Howard** said this would be discussed in the business area of the meeting. The PUD allows **Sutherland** to work with the lay of the land.

**Curtis Kamman**, 2236 Lakeshore – wanted to know about the access to Lake Michigan, will it be deeded, will people just walk to the beach anyway? **Sutherland** said that deeded access **will be is** limited to just 6 of the lots “and only one will have access under this PUD,” and those lots will pay a premium for that access. **Kamman** said that they will need to anticipate that those without access will still use.

**Correspondence received concerning the PUD application.**

**Pedro Crespo** and **Craig McMurry**, 2118 Lakeshore- concerns about drainage, they already have a problem with flooding. **Sutherland** stated that this will not address the County Park problem, but hopefully the County will take some issue to help.

**Paul and Sandy Haskitt**, Arboretum of Pier Cove – wrote in support of the plan. They appreciate the care that has been taken to preserve the land.

**Robert Lembeck**, 6952 Lakeshore – voiced concerns about density and drainage.

**Jan Schroeder**, 6944 Lakeshore – asked that an Engineering Hydrologist, licensed by the State be hired to study this area, also had concerns about the retention pond being in wetlands.

**William Johnson/Ralph Siddell**, 6957 Lakeshore Court - because of flooding they asked that **Sutherland** provide a comprehensive drainage plan approved by the Allegan County Drain Commissioner.

**Jack Howard**, Lakeshore Court – voiced concerns of water drainage from the retention pond.

**Dick Nagy**, Property Manager for Hudson Farms, 2513 66<sup>th</sup> St. - had concerns about traffic entering and exiting the property, drainage, cars parking along the road going to the beach and the potential of trash, etc.

The Public Hearing was closed and Commissioner **Badra** returned to the table.

## VI. Old Business

### A. Ordinance Review – final changes and corrections

The Township Board now has Draft #5 and has been told there are still some changes to come. Once the Board is through it, the Draft will go to the Township Attorney and then Public Hearings will be set. There is still time for changes to be made if necessary.

**Smalley** submitted a Definition and General Provisions Review of Draft Text 9-09, items that still need to be addressed. She also mentioned Conditional Rezoning and animal issues.

**DeZwaan** and **Howard** met and went over the Draft, there are some typos and omissions that need to be taken care of. One question was on towers in Ag- if it should be SLU if **under over** 75' to be consistent with other areas. It was agreed this should be consistent.

Page 5-4 Agricultural District – Requirement Chart at top of the page – Maximum Building Height should read 35 feet, and Maximum Dwelling Unit Floor Area should read 960 sq.ft. Page 5-5 Ag District – 2.b take out the second sentence.

Page 10-10 PUD District – Section 12.03C, #17 Add provisions for safe disposal of solvents, etc.

**Badra** brought up a question concerning kennels in the Res/Ag areas, there are kennels there already, but the County “Ordinance” reads that this would be a violation if it violates the Zoning Ordinance. Howard explained that existing kennels would be grandfathered so they would not be in violation. There was still concern as to how the County would look at this.

Several questions will need to go to the Township Attorney. They are:

1. Fall Zone question – deeded easement on adjacent property,
2. Sexually oriented businesses,
3. Grandfathered kennels.

Page 3-16 General Provisions – Fencing – does not address electric fencing, needs to be included.

**Gooding** brought up information about Forest City and their desire to put 100 wind generating towers in Ganges Township. This would mean leasing about 6000 acres. There was a question as to how those towers are measured and if our ordinance would allow that height. It currently reads 300', but these would be about 450' if measured to the tip of the blade extended above the tower. Page 2-29 definition includes blade. Page 10-29 PUD #J it was approved to change height from 300' to 500'.

**Howard** will now give the Township Board the changes, they will review the Draft, it will be sent to the Township Attorney and then Public Hearings will be scheduled, probably in the spring.

## VII. New Business

### A. Sutherland PUD

Commissioner **Badra** *recused himself* again ~~left the room~~. **Howard** directed the Commission as they looked at the PUD Ordinance and the Site Plan Review. **Sutherland** was asking for *an additional one* year to start the road and retention area. There was discussion concerning the width of the road. **Sutherland** had measured roads in the area, Lakeshore Drive is at 17.3', most developments are 22', and the expressway is only 2 feet wider. He would like to keep it around 18'.

**Howard** went through the PUD Ordinance with the Commission members and it was felt that the Sutherland plan does fit the PUD regulations, Eligibility was approved, citing there are site constraints due to topography. The drainage and storage of water could be an issue. **DeZwaan** pointed out the drain issues and wetlands issues. ~~Kidder~~ **King**/McGregor had a map that showed wetland/non-wetland areas. **Howard** suggested that the Planning Commission accept the actual walked map not the aerial.

**Sutherland** said he was willing to put in solutions to some of the current problems.

**Wightman** stated that having a professional work on the drainage problems is the most that can be asked for.

**DeZwaan** asked how the storm water would be handled, was water in the road? She said she would like a clarification of the definition of retention, but also that she would not like that part delayed.

**Gooding** said the engineers will need to tell them where retention area will be. Retention maybe an area to come back to.

Traffic issues – it will create more traffic for this area, but **Howard** said she did not feel this was enough to stop the PUD approval.

Access – there will be legal documentation of ownership.

It was felt this property is eligible for the PUD, it is residential, has 30% open space. For the Density bonus according to Section 7A.03C, 2b-yes(3%), d-yes(3%), e-yes(3%),g-yes(3%), 12% to grant the bonus. This would add one lot to the original plan of 11, so 12 lots would be allowed.

Standards-Section 7A.04- has complied with the Drain Commissioner review.

Development standards – minimum standards -setbacks need to be in final proposal.

**DeZwaan** felt that Phase 2 may have some setback issues, it will need to be brought before the Planning Commission again. She also had concerns about the 30% common space, there is a problem with adding up the acreage of lots and open space. **Gooding** stated that easements need to be 66' which would change the open space. **Reimink** also questioned the road into Phase 2. It would be brought to a hammerhead, which would continue to a cul-de-sac when Phase 2 was started.

Parallel Plan – all would be single family dwellings.

Layout of road – there was much discussion of width, **Sutherland** would like to split the road when possible to keep as many trees from being cleared. Plan shows 66', but Planning Commission needs to determine the width. Need to use Allegan County Standards, but

County **improved** 16' road when with 14' high said he had **Compton** of the says it is a Planning Commission decision. **DeZwaan** asked about the **approved** surface. Pull outs need to be 9' wide and 40' in length. It was proposed to have two lanes, 11 when single with 4' clearance on each side, for a total width of 24' clearance. **Gooding** asked about what surface was planned, and **Sutherland** looked at several. **Sutherland** will also need to get requirements from **Doug** Fire Department.

Utilities- would be underground.

Parking – put in deeds – no cars along the road.

Storm drainage – will need to show documentation.

Common Area – final plan will need to show the 30%. Common open areas would be for residents of the PUD.

Designated open space – approved by the Attorney.

**Birkes** – stated there has been a lot of time spent on the PUD. The Preliminary Site Plan review will give approval for the whole plan.

Board will approve rezoning, then developer can move forward, then final plan will include all information. Approval of all and recommendation of the PUD, the final plan will include detail, for Phase 1 with Phase 2 later. **DeZwaan** had a concern that the open space is included in Phase 2 so that all information needs to be in final to make sure the open space is 30%.

**Smalley** asked about the procedure that now will follow. Howard explained that the Planning Commission will make a recommendation to approve to the Township Board and the County which has 30 days to review. It would not be in affect until it has final approval. **DeZwaan** stated that the request for deadline extensions is premature at this time as after final approval the applicant has one year to bring in the final site plan for approval. If it is proceeding meaningfully the extension would not be necessary.

**Howard** made a motion to approve the total of 12 lots of the Sutherland PUD contingent on:

1. The plan must show the 30% open space.
2. The road will be 16 feet wide where both directions are together, 11 feet where traffic is in one direction only, and will have 4 feet of clearance on each side and 14 feet of height clearance.
3. The deed will restrict parking by any residents along Lakeshore Drive, and will prohibit parking on the PUD road
4. Only one of the PUD residences will have access to Lake Michigan along the easement that is part of the original parent parcel.
5. Applicant will provide full engineered plans for water retention and drainage.
6. Only single family residences will be included in the PUD.

**Gooding** supported the motion. There was discussion concerning the strip to the lake and the Anti-funneling Ordinance. **Smalley** mentioned the six lots with access would be grandfathered.

**Bob DeZwaan** mentioned concerns about Pier Cove.

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

The Sutherland Preliminary PUD rezoning was approved unanimously. Howard will now send it to the Township Board and to the Allegan County Planning Commission. **Sutherland** asked for clarification of procedure, **Howard** said it will need to be approved by the Allegan County Planning Commission and by the Township Board. Upon that approval all information will need to be submitted for final.

**William Johnson** asked if the public would be notified. He was told it would be posted. Commissioner **Badra** returned to the table.

B. Any new business that may come before the Commission – there was no further new business.

### VIII. Administrative Updates

A. Township Board – **Looman** welcomed the new commission members.

B. Zoning Board of Appeals – **Gooding** said a request by Patricia Kerr-Alexander of 1333 **Fabian Fabun** Road to build a garage on a non-conforming home greater than 50% was approved.

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

### IX. Correspondence

A letter was received from the Allegan County Planning Commission outlining seven items that they will consider for all future rezoning requests received from the townships.

**DeZwaan** asked for a clarification on procedures concerning correspondence received on business before the Commission. Future letters will be acknowledged when received then used at the appropriate time.

**Looman** also asked about the disposition on the Bruce Black decision. Mr. Black had not received a letter, **DeZwaan** said it was on file, but she would make sure he was sent a copy.

**Smalley** said that Michigan Township Services were issuing Building permits and doing inspections for the township at this time due to our inspector's illness.

### X. Future Meeting Dates

November Regular Meeting will be Tuesday, November 17<sup>th</sup> at 7:00PM at the Ganges Township Hall.

December Regular Meeting will be Tuesday, December 15<sup>th</sup> at 7:00PM at the Ganges Township Hall.

### XI. General Public Comment

**Jim Birkes**, 2344 Lakeshore – stated that the Zoning ordinance concerning wind generator towers included the blade length. Also in a PUD all road must comply, with what was done with Sutherland, it could be said that a variance was granted. Allegan County Standards for a

public road he believes is 22 feet.

**Andy Murch**, 2384 Lakeshore – Also commented on the road issue. Specifications of the County of 22 feet may be too wide, suggested that the Commission look at this for the future.

**Curtis Kamman**, 2236 Lakeshore – Pointed out that Pier Cove is private land and taxes are paid.

it **Dick Hutchins**, 6326 118<sup>th</sup> Ave. - PUD zone is in the ordinance draft which the state requires, will be changed on the map. The previous plan for the Sutherland property had 27 lots but was never given serious consideration, Holland Engineering never came back. Sutherland stated it was because he bought the land.

**Dan Sutherland**, 2223 Lakeshore – Thanked the Commission and Smalley, who was very helpful, he now has a better understanding. Stated the PUD was better than a site condo which the State would have more control.

**Ed Reimink** talked about the Master Plan, PUD and open space are two different things. At this point no one has applied to use the open space ordinance.

## **XII. Adjournment**

Motion was made by **Looman** and supported by **Gooding** to adjourn. Motion carries unanimously. Adjourned at 10:35PM.

**Respectfully Submitted,**  
**Diana VanDenBrink**  
**Ganges Township Recording Secretary**