

GANGES TOWNSHIP PLANNING COMMISSION
Monthly Meeting Minutes DRAFT for September 26, 2006
Ganges Township Hall
119th Avenue and 64th Street
Fennville, MI, Allegan County

Chairman **Gooding** called the meeting to order at 7:00 PM.

Roll Call: Chairman Barry **Gooding** – present
Secretary Jim **Birkes** – present
Commissioner Jackie **DeZwaan** – present
Commissioner Dortha **Earl** – present
Commissioner Ed **Reimink** – present
Commissioner Dawn **Soltysiak** – present
Board Trustee Terry **Looman** – present

PUBLIC HEARING

Proposed Special Land Use— Vicki Dreyer

Chairman **Gooding** explained the public hearing process, then opened the public hearing for the proposed special land use for Vicki Dreyer at 7:01 PM. Tasha Smalley, Zoning Administrator (Z.A.), presented a map of the property to the Planning Commission (P.C.). Dreyer explained that she wanted to operate a bed and breakfast (B & B), offering three (3) rooms for overnight service and hosting special events. She stated that there are no plans for any new structures, remodeling, or expansion—the home will be “as is.” The only addition will be a small gravel parking lot on the east side of the home, with a capacity for 50 vehicles.

There were no public comments opposed to or in favor of the proposal.

Rob Soltysiak, 6322 113th Ave., asked what kind of venue there would be with a 50-vehicle parking lot, figuring that four (4) people per vehicle would come to a 200-person event. Dreyer replied that she anticipated the need for having this size lot only on occasion, explaining that guests must rent all the rooms in order to hold an event. She further explained that she calculated two (2) people per vehicle, for a maximum of 100 guests.

There were no further public comments, and Chairman **Gooding** closed the public hearing at 7:05 PM.

Proposed Special Land Use—Glenn United Methodist Church

Chairman **Gooding** opened the public hearing for the proposed special land use for Glenn United Methodist Church at 7:05 PM.

Rose Jackson, 6940 121st Ave., representative for the church, explained that the church had received a portable school building from Douglas Elementary School and wished to place it behind the church; it will be used for Sunday school, a ladies’ work room, and the pastor’s office.

There were no comments opposed to the proposal.

Becky Carten-Crandell, 6989 East Lane, explaining that she lives east of the church, asked the following questions (responses are in bold type):

- What is the zoning? **Commercial.**
- Will the new building be used year-round? **Yes.**
- What are the set backs and where will the building be located to meet requirements? **The mobile structure must be a minimum of 10 ft. from the septic, and it will be behind the church at a minimum of 30 ft.**
- Does the Zoning Ordinance (Z.O.) allow for a mobile structure to be on commercially zoned property? **Yes.**
- Will the mobile structure remain on axles or be placed on a foundation? **It will be on a slab for permanent placement—it is a modular.**

Public comments in favor of the proposal:

Rose Jackson, 6940 121st Ave., stated that the Glenn United Methodist congregation supports the proposal, and the ladies have been saving for years for this opportunity. She explained that the church is small and more than 100 years old, and the congregation does not want to (structurally) alter it. Jackson then expressed gratitude to Douglas Elementary School for its generosity.

Becky Carten-Crandell, 6989 East Lane, asked if Alcoholics Anonymous meetings would be held there. Jackson responded that they did not know at this time.

Helen Hutchins, 1422 Blue Star Hwy., reinforcing Jackson's comments, stated that the church has worked hard to save money and is grateful for the school's generosity. She stated that the mobile structure has two (2) bathrooms and solid walls and is in good condition. The church will most likely landscape around it.

Smalley, Z.A., reported that Al Ellingsen, building inspector, did an on-site inspection of the building and confirmed that it met building code requirements.

DeZwaan asked if a mechanical inspection has been done yet. Smalley replied that the inspection will be done later.

The public hearing was closed at 7:15 PM.

PUBLIC COMMENTS

None.

CORRESPONDENCE

Letter dated August 24, 2006, from Greg Milliken, principal planner at McKenna Associates, to Michael Lombardo, Allegan County Administrator, notifying him and the county planning commission members that Ganges Township has prepared a draft Master Plan update. This letter was presented to the P.C. as a sample of the notification also sent to Casco, Lee, Clyde, Manlius, and Saugatuck townships, with the draft Master Plan update attached.

Letter dated August 23, 2006, from **Birkes**, P.C. secretary, to John Hebert, Ganges Township Board supervisor, requesting that the Board waive attorney-client privilege regarding proposed amendments from Roxanne Seeber, township attorney, pertaining to migrant housing and agricultural labor camps.

Letter dated September 4, 2006, from Hebert to **Birkes** in response to the above letter. Hebert states that the P.C. may openly discuss, quote, or read directly from attorney correspondence, but may not read it word for word from start to finish or provide copies to the public—this would violate attorney-client privilege. Amendments, however, are required by Michigan state law to be presented to the public and therefore, are not protected by this privilege.

Notice of P.C. denial of a special use, dated August 22, 2006, from **Gooding** and **Birkes** to Alltel.

Notice of P.C. denial of a special use, dated August 22, 2006, from **Gooding** and **Birkes** to I-2000, Inc.

Letter received September 26, 2006, from Neil Van Leeuwen to the P.C., with the Land Division Act (excerpt) attached, disagreeing with the township attorney's recommendation to amend the word *lease* to *license* in the land division ordinance. He points out that the present language is directly from the state's Land Division Act and warns that changing the language would be imprudent and problematic in regard to compliance.

ADMINISTRATIVE UPDATE

Ganges Township Board

Trustee **Looman**, liaison, pointed out the addition of two (2) new tables at the front of the room and reported that 50 padded chairs are to be added also. He stated that a public address system will be presented to the Board at their next meeting and, if adopted, will include five (5) microphones up front, speakers in the back of the room, and a podium with a microphone for the public to use in addressing the P.C.

Looman also reported that there is an easier process for applying for farm land preservation status than going through the Department of Agriculture in Lansing. The chairman of the Allegan County commissioners, Casey Jones, is now certified through the department to accept applications in Allegan, cutting some of the "red tape." Smalley added that she also is on that board.

Zoning Board of Appeals (ZBA)

Gooding, liaison, reported that there were three (3) variance applications, all approved:

- John Jerome, 6971 Park Lane, requesting to move a property line, making one (1) property more nonconforming and the other property less nonconforming.
- Alltel tower, at 2045 Blue Star Hwy., requesting to change the size of their equipment shelter from 120 to 240 sq. ft.
- I-2000 tower, at the Glenn fire station, requesting variance of the set back.

Gooding emphasized that the P.C. will be amending the tower ordinance regarding equipment shelter size and that the I-2000 tower variance was granted because it replaced an already existing tower.

Gooding then informed the P.C. that the ZBA reviewed Section 7F.03.D5 and determined that the P.C. can waive or modify the requirements of Article VII F, private roads, on a case-by-case basis in conjunction with their review of a site condominium PUD or planning subdivision. **Soltysiak** asked how it had gone before the ZBA. Smalley responded that she had requested that the ZBA rule on the P.C.'s authority to make modifications. **Birkes** disagreed with this ruling, asserting that the Z.O. states that the P.C. can use standards 1-4 or the PUD standards, but that it cannot modify any of the requirements; **DeZwaan** concurred, stating that making changes on a case-by-case basis comes under the authority of the ZBA. After further discussion, **Birkes** requested that the P.C. receive this ruling in writing (from the ZBA minutes) in order to better understand it.

Zoning Administrator Report

Smalley, Z.A., reported that she inspected the Ciesla mining operation. The first area is completed and recovered, with grass seed and trees planted. The second area is approximately 40 percent completed, with no completion date set. She stated that she received a quarterly report from Ciesla yesterday and that she sent him updated report forms for the future.

BUSINESS SESSION

Agenda Approval

Gooding pointed out that *Land Divisions Review* under VII should be H., not F., and added *I. Next Meeting* to VII. **Soltysiak** moved to approve the September 26, 2006, regular meeting agenda with the above corrections; **Earl** supported; motion carried.

Special Use Review—Vicki Dreyer

Through extensive discussion between the P.C. and Dreyer, it was established that:

- In order to hold a special event, the B & B rooms must be rented for accommodation.
- A maximum of 100 people is anticipated for a special event.
- Special events will most likely be held outdoors, weather permitting.
- There may be music outdoors.
- Food will be catered in for special events, working with preferred vendors.
- Special events will be seasonal, spring to fall.
- Screening is created by a fence between Dreyer's property and the Glenn School, and there is a natural buffer of trees along the back and east (west?) side of the property.
- As per Allegan County Road Commission's recommendations, there should be a 2-way blacktopped entrance/exit approach to the parking lot, with the first parking spot set back 33 ft. from the center of the road. The edge of the parking lot will be approximately 2-3 ft. from the lot line east of it. There are no set backs listed for parking lots in the Z.O., per Smalley.
- A 1500-gal. commercial septic system (installed in 1994) has been approved by the Health Department, able to accommodate 100 people.
- As of this date, indoor occupancy has not been established by the local fire department.

The P.C.'s primary concern that Dreyer was actually applying for two (2) different uses—a B & B and special occasions in a commercial zone—opened the discussion up to much debate. The P.C. agreed that the applicant needs a special use permit for the B & B, but does not need one from the P.C. to hold special events, with **Reimink** adding that ordinances 1 and 20 regulate large gatherings/parties, and Dreyer will be required to abide by these ordinances when hosting special events. **Birkes** suggested establishing contingencies to address the special events, and **Gooding** countered that the P.C. cannot require something that is not in the Z.O. **Soltysiak** pointed out that without a written contingency for the number of guests, Dreyer would be required to apply for a special permit use each time an event were held, which would be a hardship on her.

Birkes acknowledged that having a definition for a B & B in the Z.O. that includes special events would cover most of the above concerns, but there is no definition in the Z.O. currently. **Soltysiak** suggested getting an interpretation of a B & B from the ZBA in the future. After further discussion, **Birkes** moved that the P.C. approve the special use permit to Vicki Dreyer for operation of a bed and breakfast at 7018 114th Ave., contingent upon obtaining State approval for operating a B & B (which would include the local fire department establishing the occupancy load), and obtaining approval from the Allegan County Road Commission for tying the parking lot driveway onto the existing street, and further contingent upon the following items in order to protect the general welfare of the population:

- Gatherings are to be limited to approximately 100 people, as verbally requested (by the applicant).
- The special use permit does not apply to the existing barn on the property.
- All requirements of the noise ordinance must be met at any gathering.
- Lighting as depicted on the drawing must be followed so as to minimize glare and protect the character of the area
- No special event will take place without room rental as verbally stated by the applicant.

Earl supported and motion carried by roll call vote 7/0: **Looman**—yes; **Reimink**—yes; **Soltysiak**—yes; **Gooding**—yes; **Birkes**—yes; **Earl**—yes; **DeZwaan**—yes. Dreyer assured the P.C. and public that she had done much research in the area, intends to maintain the integrity of the community and the history of the house, and anticipates having upscale, exclusive events.

Special Use Review—Glenn United Methodist Church

It was established that the portable building has two (2) bathrooms, which will be hooked up to the church's 1500-gal. septic tank. Due to the rushed nature of acquiring the building, the church does not have a permit from Allegan County as of this date. Per Rose Jackson, church representative, the doors are fire-approved and there is a handicap ramp. In response to **Reimink's** question regarding the age of the building, Jackson stated it was built in 1959, was rebuilt twice, and is in excellent condition presently. The wiring is updated and to code. Jackson also stated that the building will be permanent, and the church will seek an occupancy permit in the future. **Earl** asked if all set back requirements were met, to which Smalley replied in the affirmative.

Birkes moved that the P.C. approve the special use application submitted by the Glenn United Methodist Church, per the application dated August 28, 2006, and **Soltysiak** supported. Motion carried by roll call vote 7/0: **DeZwaan**—yes; **Earl**—yes; **Birkes**—yes; **Gooding**—yes; **Soltysiak**—yes; **Reimink**—yes; **Looman**—yes.

Approval of Prior Minutes

DeZwaan moved to approve the August 22, 2006, regular meeting minutes with one (1) correction on page three (3); **Looman** supported; motion carried. **Earl** and **Soltysiak** abstained from voting because of their absence at this meeting.

OLD BUSINESS

Master Plan Development

Gooding reported that the draft Master Plan update has been sent to surrounding townships and Allegan County. He stated that the Ganges P.C. should get responses by November 24, 2006—this date to be confirmed.

Birkes reported that Ganges Township received a reply on September 19 from the Allegan County Planning Commission, but stated that, per State law, one may not respond before 75 days after having received the draft—Allegan County responded within 30 days. It was also noted that the contents of the letter are erroneous, incomplete, and confusing. The letter states that the update was adopted; neglects to address two (2) issues required by law, and comments about roads, speed, and driveways. **Birkes** is considering attending the Allegan County P.C. meeting on October 2 to address the above concerns.

Zoning Ordinance Amendment—Communication Towers

Text amendment for Section I, Article VI, Section 7B.7A1. permissible square footage of equipment shelter, was received from Roxanne Seeber, township attorney, in correspondence dated September 15, 2006. **Birkes** first moved to amend the motion made August 22, 2006, modifying the square footage of the equipment shelter from 200 sq. ft. to 240 sq. ft.; **Reimink** supported; motion carried. **Birkes** then moved to approve the language submitted by Roxanne Seeber, proceeding to the next step of holding a public meeting and then reviewing it for approval; **Reimink** supported; motion carried.

Zoning Ordinance Amendment—Migrant Housing

Text amendments for Section I, Article VII, Section 7.10, related to migrant housing and agricultural labor camps, were received from Seeber in correspondence dated July 20, 2006. Review of these amendments had been tabled pending advice from the Ganges Township supervisor regarding attorney-client privilege. **Birkes** pointed out that paragraph two (2) of Section 7.10 redefines the number of occupants in each dwelling from five (5) to one (1) who must be paid as a laborer on the property on which the dwelling is located. **Reimink** expressed concern with this, citing the recent establishment of a 5-acre migrant camp north of Ganges Township. After discussing other concerns and questions regarding the proposed text, the P.C. will address the following with Seeber:

- Ganges Township needs to allow migrant housing in ag/res areas as well as ag.
- The P.C. believes that *principal dwelling* should be excluded from paragraph 6, asserting that the distance between migrant housing and the principal dwelling should be at each farmer's discretion.
- The time frame defining migrant occupation is vague and confusing.

The P.C. recognized that State law may mandate all or part of the proposed text.

Birkes recommended that the P.C. proceed with a public hearing while awaiting a response from Seeber regarding the above, then decide how to proceed after the public hearing. **Looman** moved to approve the language presented by Roxanne Seeber, to present again the amendments at a public hearing, then hold further discussion for approval by the P.C.; **Earl** supported; motion carried.

NEW BUSINESS

Committee Reports

Zoning Enabling Act

DeZwaan reported that the committee was unable to meet, and that **Earl** requested to be removed from the committee. **DeZwaan** stated that she needs assistance with developing language for Ganges Township regarding changes required by the Michigan Zoning Enabling Act; **Birkes** offered his assistance.

Zoning Map Update

Birkes also reported that the committee had not met, but that he has been in communication with Valdis Kalnins of Land Information Services (LIS) regarding one (1) correction on the latest Ganges Township map that LIS has, and regarding developing a reference numbering system for zoning changes. The P.C. reviewed the updated zoning map sent by Kalnins and noted that one (1) other modification should be made: from ag/res to commercial, the northeast corner of the 118th Ave./Blue Star Hwy. intersection, in Section 21. This will be confirmed with Cindy Yonkers, township clerk, after which any corrections will be submitted to LIS. A large updated zoning map board will then be displayed on an easel at the township hall.

Birkes suggested requesting Doug Darling, township assessor, to assist with updating the map, making sure that legal descriptions are consistent with the zoning map; **Gooding** will address this.

PUD Ordinance

The committee, consisting of **Birkes**, **Reimink**, and **Soltysiak**, met with Greg Milliken of McKenna Associates on September 25, 2006, at the McKenna office in Kalamazoo. The mission was to obtain information on how McKenna Associates could assist in revising the current PUD ordinance and to get an estimate of the cost. Milliken outlined services to create a draft PUD based on committee directives, present this draft to the P.C. at a special meeting to review and discuss, then resubmit the draft ordinance to the P.C. based on the special meeting input. The proposed fee would be \$3500, with an additional \$1500 for a maximum of two (2) rewrites and one (1) more meeting attendance by Milliken. He also recommended a technical review of the entire Z.O. for a fee of \$900.

Smalley asked the P.C. if they had considered getting other quotes for the above services. The P.C. discussed the advantages and disadvantages of working with McKenna as opposed to acquiring the services of another consultant. Benefits are Milliken's familiarity with Ganges Township and his creativity; however, McKenna's (probable) higher cost was seen as a liability. While **Earl** was in favor of getting other quotes, **Birkes** pointed out the urgency the township has in redoing the PUD ordinance. **DeZwaan** moved that the P.C. request the township Board to approve having McKenna review and update the PUD ordinance for a proposed cost of \$3500 and to offer any recommendations the Board may have; also, to have a technical review done of the entire Z.O. for a proposed cost of \$900. **Birkes** supported, but then expressed concern that the \$3500 budget does not include services for any further rewrites of the draft ordinance. **Soltysiak** amended the motion, suggesting that McKenna's proposal, with the breakdown of the costs, be presented to the Board. Motion carried 6/1, with **Looman** dissenting.

Land Divisions

Gooding announced that two (2) land division applications had been submitted:

- Becky Carten-Crandell, for 6787 116th Ave.
- Engels' Properties, LLC, for 2080 64th St.

Future Meetings Schedule

The P.C. regular meeting is scheduled for Tuesday, October 24, 2006.

PUBLIC COMMENTS

None.

ADJOURNMENT

Looman moved to adjourn; **Earl** supported; motion carried unanimously. Meeting adjourned at 10:26 PM.

Respectfully submitted,
Elaine I. Troehler
Ganges Township Recording Secretary