

Ganges Township Planning Commission
Regular Monthly Meeting Minutes FINAL for November 25, 2008
Ganges Township Hall
119th Avenue and 64th Street
Fennville, MI, Allegan County

I. Call to Order and Roll Call

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

Roll Call: Chairman: Jim **Birkes** – Present Vice-Chairman: Barry **Gooding** – Present
Secretary: Jackie **DeZwaan** – Present Commissioner: Sally **Howard** – Present
Commissioner: Dawn **Soltysiak** – Present Commissioner: Ed **Reimink** – Present
Board Trustee: Terry **Looman** – Present
Also present was Zoning Administrator Tasha **Smalley**.

II. Public Hearing: To Do, LLC Rezoning, Parcel 0307-005-008-00

There were no comments by Tom **Harrington**, the owner.

Jan **Schroeder**, 6944 Lakeshore Court, reminded the Commission to keep in mind the health safety for those near the property.

Roy **Newman**, 6621 121st Avenue, voiced his support for the rezoning.

Rick **Vorel**, 2315 Forest Trail Circle, asked about one level of commercial zoning and the possibility of tiered zoning.

Susan **Pierson**, 6944 Lakeshore Court, reminded Commission that around 2000 thirty landowners came to the Commission to seek rezoning at that time and were asked to wait for Master Plan *update. That request still has not been heard.* **which is still not done** She also voiced concern for the water supply.

Chairman **Birkes** read a letter from John **Johnson** regarding Gertrude **Baker** property and water sample taken September 5, 2008.

At 7:12PM the Public Hearing on the first application was closed.

III. Public Hearing: Bruce & Barbara Black Rezoning, Parcel 0307-021-015-00

Mike **Klosner**, 1661 68th Street, supported the **Blacks** in their request stating they have been good neighbors and spoke of the care they have taken with the land.

With no further comments, at 7:14PM the Public Hearing on the second application was closed.

IV. General Public Comment

Jim **Keag**, 2086 66th Street, clarified his request at the last regular meeting about sending a

to each commercial property owner.

Susan **Pierson**, 6944 Lakeshore Court, asked about allowing businesses through out the township, and concerns for what is best for tourism.

Chairman **Birkes** read a letter from Carmen **Behn**, of 68th Street, stating there is too much commercial property now and a need for down zoning.

Chairman **Birkes** made a comment that the Commission has not made any recommendations at this time”for amending the Zoning Ordinance”. Those will be made to the Board and then be open for Public Hearings.

Diana **Decker**, 1705 Lakeshore, thanked **Birkes** for the clarification.

Public Comment was closed at 7:22PM

V. Correspondence

Chairman **Birkes** went through several correspondences.

Pedro **Crespo** – opposed to rezoning of To Do, LLC

Phillip **Willson** – opposed to rezoning To Do, LLC and Black

Andrew & Lana **Murch** – opposed to To Do, LLC rezoning

Cindy **Hebert** – opposed to To Do, LLC rezoning

Aaron Deanna Plummer – in favor of rezoning

Jan **Schroeder** – opposed to rezoning

Further correspondence included:

Rezoning Request Form from the County of Allegan Planning Commission

Solar & Geothermal Energy flyer from Ottawa County Planning Department

Monthly Ganges Township Planning Commission Memorandum report for October

Updated Ganges Township Planning Commission roster

Letter of Appreciation to Ronda **Hall** for her past service as Recording Secretary

VI. Administrative Updates

A. Township Board: Trustee **Looman** mentioned the Special Board Meeting set for December 3rd and the Michigan Renewable Energy Seminar set for December 10th.

B. Zoning Board of Appeals: Vice Chairman **Gooding** said there were two hearings on November 19th. One for Dale **Scholten**, 2229 Recreation Drive concerning a 2 foot relief for a garage addition. Second for Norman **Deval**, 2211 Hutchins Lake Drive, a new house in the same foot print of the old and the garage would be demolished. Both were approved.

C. Zoning Administrator: Tasha **Smalley** said there was nothing to report.

VII. Business Session

A. Approval of prior minutes:

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October 28, 2008- A motion was made by **Howard** to approve the October 28th Regular Meeting with corrections as noted. **Seconded by approved with changes as noted.** Seconded by **Looman**. Motion carries unanimously.

November 13, 2008 – A motion was made by **Howard** to table the minutes of the November 13th Special Meeting until two committee reports and notes by **DeZwaan** can be added . Seconded by **Soltysiak**. Motion carries unanimously.

B. Approval of Agenda

Gooding suggested adding the November 13th Special Meeting minutes as first under Old Business, moving the Zoning Ordinance Update Project as number 2. Motion was made by **Soltysiak** to approve the Agenda with the addition. Seconded by **Looman**. Motion carries unanimously.

C. To Do LLC Rezoning Application Review

Howard asked if there was any further access documentation as mentioned in the application. Tom **Harrington** said he had no further information. There was much discussion concerning the property being landlocked, no reasonable use for residential. **Birkes** used guidelines from the *MSU Citizen Planner Program Manual for finding a fact*: — **Zoning Enabling Act to get vote**:

Is the proposed land use compatible with the surrounding property: 4 yes, 3 no

Does it relate well with the Master Plan: 6 no, 1 yes

Is there a need to add to Commercial Zoning: 7 no

Motion was made by **Howard** to deny the rezoning request at this time, reasons being with the work the Planning Commission is currently doing within the next 12 months this can be looked at and a decision can be made at that time, and there is no immediate need to do so as there is no proposed use at this time. Seconded by **DeZwaan**. **Birkes** made motion to amend the first motion with reason for denial being: consistent with Land Use Map, but inconsistent with Master Plan, no acute need, and will be looked at as Planning Commission works on **Plan the Zoning Ordinance Update**.

Gooding asked that no additional fee be required of **Harrington** “should rezoning be considered later”, with **DeZwaan** stating that if this is done in the Planning Commissions process no additional fees would be required. Amendment seconded by **Soltysiak**. Roll Call vote with yes meaning to deny:

Looman – yes **Reimink** – no **Gooding** – yes

Birkes – yes **Howard** – yes **Soltysiak** – yes

DeZwaan - yes

Vote: 6 to 1 Application denied.

D. **Black** Rezoning Application Review **Birkes** asked Bruce **Black** why he felt he needed to have the property rezoned as it was felt that the property would be considered grandfathered in . Bruce **Black** stated he didn't want to be illegal. **Birkes stated that the use is a pre-existing, It is** non-conforming “use”, but there is nothing illegal about it. **Birkes** offered **Black** the opportunity to withdraw the application and get his money

back. **Smalley** read from the Zoning Ordinance that the land even if sold could continue
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in same use and only if not used for that purpose for a period of one year could it not be used in that capacity. “Bruce declined the offer indicating that he wanted to go ahead with his request.”

Birkes asked the finding a fact questions again:

Is proposed use compatible with surrounding property : 7 no

Does it relate well with the Master Plan: 4 no, **2** 3 yes

Is it consistent with the future Land use map: 7 no

Is it within the spirit and intent of the ordinance: 6 no, yes 1

Motion was made by **Soltysiak** to deny the **Black** Application for reasons that it is not consistent with the Master Plan, it is already grandfathered in, and it is inconsistent with the Future Land Use Map. There was no second.

Motion was made by **Howard** to approve the **Black** Application reasons being: though it is inconsistent with the Master Plan and the future Land use Map and there is no immediate need for additional Commercial Zone this would correct a parcel that was overlooked **in previous-zoning** when zoning was established. Motion was supported by **Looman**.

Discussion: **Soltysiak** stated there are other tools to correct this problem. **Birkes** said we all want the same thing but we need to go by the ordinance **finding of fact**.

Roll call vote was taken as follows:

Looman – yes

Reimink – yes

Gooding – yes

Birkes – no

Howard – yes

Soltysiak – no

DeZwaan – no

Vote: 4 to 3 Application approved.

Birkes outlined the process of the Applications after this meeting. **Birkes** will now fill out the Request form to be sent to the Allegan County Planning Commission, then the Ganges Township Board will need to approve, possibly January before our Board would have on their Agenda. A letter will be sent from **our Township** Board when all is complete.

E. Old Business

1. Zoning Ordinance Update Project – **Birkes** reported that “everything except” the Districts have been gone through.

Gooding reminded the Commission that each one is to go through the Business District and make a list of different uses.

2. Special Meeting Minutes from November 13, 2008

DeZwaan asked for clarification on how much information is needed in the minutes. It is very difficult to take minutes and participate in the discussion during the meeting. **Birkes** will address a letter to the Board asking for reconsideration of having a Recording Secretary for the Special Meetings.

F. New Business

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Birkes stated that in the Planning & Zoning News(August 2008 Edition) the Township needs to have a Zoning Plan, separate from the Master Plan and Zoning Ordinance that has to be in place by 2011.

DeZwaan said as of March 2009 it needs to be known how the Planning Commission came to be. Needs to be by ordinance not resolution. **Birkes** will contact the Board.

VIII. Work Summary & Future Meeting Dates

The next Regular Meeting is Tuesday, December 16th at 7:00PM at the Ganges Township Hall.

The next Special Meeting is Thursday, December 18th at 7:00PM at the Ganges Township

Hall.

IX. General Public Comment

Gooding wished everyone a Happy Thanksgiving.

Birkes suggested that some of the Commission should attend the Allegan County Planning Commission's meeting set for Monday, December 8th.

X. Adjournment

Motion was made by **Looman** and supported by **Howard** to adjourn. Motion carries unanimously. Adjourned at 9:30PM.

Respectfully Submitted,
Diana VanDenBrink
Ganges Township Recording Secretary

