

GANGES TOWNSHIP PLANNING COMMISSION
Monthly Meeting Minutes DRAFT for April 25, 2006
Ganges Township Hall
1904 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** – absent
Commissioner Dortha **Earl** – present
Commissioner **Ed Reimink** – present
Commissioner Dawn **Soltysiak** – present
Board Trustee Terry **Looman** – present

PUBLIC COMMENTS

Mel Davis, 2184 66th St., informed the Planning Commission (P.C.) that he owns his own trucking company, hauling food products. He denies handling any dangerous materials and states he maintains the equipment on his property, having installed a separate building for parts and trucks. Davis also recycles and disposes of hazardous waste properly. He explained that in January, 2006, Paul Shamblin, Zoning Administrator (ZA), directed him to move his equipment because of a complaint lodged by John Hebert. Davis stated that he complied with the order, but in order to continue his business, he filed an application for a zoning variance as instructed by Shamblin and Hebert, Ganges Township Board Supervisor. Per Davis, he was not informed of the April 18, 2006, Zoning Board of Appeals (ZBA) meeting by any officials, which incidentally was cancelled, then stated that he was told that he needed to file for a special use permit. Davis concluded with a request for assistance from the P.C. to resolve this issue tonight. He assured the P.C. that his neighbors have no problems with his trucking business on his property. He then informed the P.C. that no one would be allowed on his property without an appointment.

CORRESPONDENCE

Letter dated April 1, 2006, from the P.C. to Hebert, Supervisor, requesting authorization from the Board for qualified commissioners to attend a Master Citizen Planner (MCP) program in East Lansing June 21 and 22, 2006. This program is required for MCP certificate holders to maintain their active status. The cost is \$160 per attendee.

Letter dated March 22, 2006, from Barbara VanGelderens, Manlius Township Supervisor, notifying the Ganges Township P.C. of the township's Planning Commission's intent to update and revise their Land Use Plan. A copy of this plan is to follow as soon as revisions are completed.

Letter dated April 18, 2006, from John Huyge to **Gooding** requesting feedback from the P.C. as to two (2) potential uses of the property currently known as Birdcage Antiques (for sale). One potential use would be for JR Huyge Associates, LLC., producing a chemical-free lawn and garden soil treatment product, and the other use would be for PGI of Saugatuck, producer of gelato and sorbetto. Both would require light manufacturing/material processing.

Letter dated April 23, 2006, from Hebert, Supervisor, to the P.C. directing that any permit applicants must represent themselves at review meetings, or hire representation. Hebert further stipulated that the Z.A., a township employee, is not allowed to represent an applicant.

Letter dated April 13, 2006, from John Lohrstorfer and Roxanne Seeber, Ganges Township attorneys, to Ganges Township Supervisors and Clerks notifying them that the Michigan Zoning Enabling Act will go into law effective July 1, 2006. Changes include: name changes for some boards or commissions, new regulations regarding notices, and the permitting of use variances.

Letter dated April 7, 2006, from Robert Soltysiak to Hebert clarifying what he had said at the March 28, 2006, P.C. meeting. Soltysiak explained that his previous comments focused on the effects of little or no regulation under the existing zoning, and were not based on personal prejudice against commercial owners. He asserted that deliberate misinformation of this type is used to confuse and misdirect critical issues.

Letter dated April 19, 2006, from Michael O'Connor to Hebert and **Gooding** offering his observations regarding the controversy over the Master Plan. He postulates that there is a "disconnect" between the "visionaries" and "major stakeholders in the status quo." O'Connor points out that:

- The goals and objectives are popular as stated, but implementing them through the land use map tromps on the property rights and values of current land owners.
- Business people already have plans for the use of their property and do not desire others being imposed upon them.

- Mistrust between property owners and planners is created when the P.C. asserts that the Master Plan is not rezoning.
- The constituents have the perception that the time frame for implementing the Master Plan is five (5) years.

O'Connor maintains that radical change is the biggest fear and proposes that the P.C. support developing the Master Plan over a 20-year period.

Letter dated April 24, 2006, from Robert Soltysiak to **Gooding** in response to O'Connor's April 19 letter (above). Soltysiak proclaims that O'Connor's claim of individual property rights should extend to noncommercial property owners, too. Soltysiak contends that grandfathering, special use variances, and nonconforming use ordinances exist already to protect commercial property owners, but that protection for adjacent property owners is still required. He further points out that it is stated in the Master Plan that the vision is to be carried out over the next 20 to 30 years, and that the fear of the P.C. moving too fast in revising the plan is unsubstantiated. Soltysiak also states that there is no reference in the goals and objectives to reassign or take property away from anyone, and that the Master Plan would protect everyone's property values and preserve individual property rights. He then points out the predicted 56% increase in new homes in Ganges Township and concludes that by controlling the development, "a situation where everyone wins...financially, as well as quality of life" can occur.

Letter dated April 7, 2006, from the Michigan State University Extension to the P.C., along with a registration brochure, regarding training on the new Michigan Zoning Enabling Act. Dates are May 15 in Grand Rapids and May 16, 2006, in Kalamazoo. **Birkes** reported that this same training will be given at the MCP workshop on June 21, 2006. He will contact Hebert to request authorization from the Board for **Earl**, **Gooding**, and **Soltysiak** to attend the May training session.

Notice dated April 10, 2006, from the Allegan County Planning Commission to the Ganges Township P.C. approving zoning ordinance amendments.

LIAISON REPORTS

Ganges Township Board

Trustee **Looman**, liaison, had nothing to report.

Zoning Board of Appeals (ZBA)

Gooding, liaison, reported that the April 18, 2006, meeting was cancelled, therefore there was nothing to report.

Zoning Administrator Report

Zoning Administrator, Paul Shamblin, not present.

BUSINESS SESSION

Looman moved to approve the April 25, 2006, regular meeting agenda as presented; **Earl** supported; motion carried.

Earl moved to approve the March 28, 2006, regular meeting minutes with two (2) clarifications on page five (5); **Soltysiak** supported; motion carried.

OLD BUSINESS

Smallegan Private Road Application

Kurt Smallegan, applicant, was present and explained that the land division was intended to allow his sister to build on a back parcel (3.1). After further discussion between the P.C. and Smallegan, **Soltysiak** moved to approve the Smallegan private road application with the conditions that Smallegan obtain: fire chief approval of design, an Allegan County Road Commission (ACRC) permit to attach a private road to a public road, and a street maintenance agreement. **Earl** supported the motion and the motion carried. **Birkes** will send a letter of approval to Smallegan.

Soltysiak expressed concern that the P.C. received the above Smallegan application from Shamblin, Z.A., on the day of review, not allowing time for the members to review the application, especially in referencing it to the Zoning Ordinance. Also, the Z.A. is not making sure that everything required by the ordinance is submitted.

Master Plan Development

Soltysiak made corrections and has started a table of contents for the text of the Land Use Plan. This new version is presently being printed, with copies to be issued to each P.C. member for review and further corrections. Corrections noted by **Soltysiak** at this time are:

- all survey questions were added and the survey summary was removed
- the transportation system section was updated and corrected, specifically concerning the primary roads
- a chart that was difficult to read and essentially a duplicate of another chart was removed
- text from charts was removed if the charts themselves were self-explanatory
- in general, updated information was added or obsolete information was removed

Corrections suggested by other P.C. members were:

- a private grade school no longer exists (page 3)
- the mushroom plant no longer exists (page 3)
- there are more than two (2) industrial facilities (page 3)
- there are four (4) active churches: Glenn United Methodist Church, Ganges Baptist Church, Gold Coast Fellowship, and Ganges United Methodist Church (page 8)
- there is home postal delivery from South Haven as well as from Fennville (page 9)
- there are three (3) bed and breakfast establishments: Glenn Country Inn, The Seymour House, and Heritage Manor Inn (page 10)

Questions or suggestions posed were:

- check the validity of the Michigan Department of Transportation owning 1407 acres (page 20); **Soltysiak** will recheck this statistic
- add to the text the growing business of ornamental trees, shrubs, and ground cover
- add the vineyard conservatory

The P.C. members will each receive a copy of the Land Use Plan to make revisions on, after which they will consolidate the suggestions and corrections for a final version.

Gooding proposed that the Board wanted the P.C. to address the commercial spot zoning, possibly putting an overlay on these areas and classifying them as C1, C2, C3, etc. **Birkes** agreed that the Board wanted the P.C. to “revisit” the spot zoning issue. He reminded the P.C. that the planner did not put an overlay along the two (2) commercial corridors, but, instead, designated these areas as commercial corridors and gave them the stipulations that an overlay would have. From this, **Birkes** recommended that the commercial spot zone be a third commercial designation all its own, along with the general commercial and corridor commercial designations.

Soltysiak suggested that if existing businesses are protected, spot zoning would not be necessary. **Earl** asked if the March 15, 2006, motion to leave the commercial spot zones as they are did not stand, stating that the changes the P.C. are considering create mistrust with the constituency. She expressed the desire for “mom and pop” businesses, stating that the lack of municipal water and sewer would preclude large commercial development.

Referring to the letters from the planner and the Board’s suggestions, **Soltysiak** urged the P.C. to look at the spot zoning issue again. She agreed with the desire to support and foster “mom and pop” businesses, but argued that large commercial businesses could establish themselves in Ganges Township over the next 20 to 30 years, which is the time span the Master Plan is meant to address.

Birkes presented another reason to revisit spot zoning—the land use map does not reflect the goals and objectives. **Earl** agreed and suggested that this be addressed at the next special meeting by reviewing each goal and objective individually. **Birkes** cautioned that if the land use map were changed to reflect the spot commercial zones, the P.C. would be obligated in the future to make decisions in favor of commercial activity only. However, if the land use map did, indeed, reflect the goals and objectives by removing the commercial spot zones, these areas would in effect still be zoned commercial, but the P.C. would have flexibility in their decision-making in guiding the development of the township. **Birkes** then suggested that **Soltysiak** go to the planner in Kalamazoo (McKenna Associates) after the next meeting and work with them there to pull everything together; **Gooding** concurred.

Gooding had brought up earlier in the discussion the possibility of providing different ag classifications, especially in reference to landfills. **Soltysiak** advised against the different classifications, stating that landfills are placed in a nondesignated zone or in any ag zones, adding that state law can preempt any zoning.

LAND DIVISIONS REVIEW

The P.C. tabled one (1) land division secondary to the Z.A. not being present.

NEW BUSINESS

Verizon Communications Tower Application

A site plan review/special use application from Verizon Wireless to build a wireless tower and shelter was tabled at this time because it has not been posted for thirty (30) days prior to a public hearing, and two (2) public notices have not been published yet.

Colsen Private Road Application

Ronald Colsen, present, explained that he is putting in a 500-ft. road at 7112 114th Ave. He stated that it is according to Allegan County specifications, it will serve eight (8) parcels, and there will be a cul de sac. Colsen has the fire chief approval, an ACRC permit to attach a private road to a public road, and a street maintenance agreement; however, **Birkes** questioned the road width required by the county. **Birkes** moved to approve the Ronald Colsen private road application with the contingency that the requirements of the Zoning Ordinance be followed, especially the road requirements as specified by the ACRC; **Earl** supported; motion carried.

Future Meetings Schedule

The Ganges Township Board meeting is scheduled for May 9, 2006.

The ZBA meeting is scheduled for Tuesday, May 16, 2006.

The P.C. special meeting is scheduled for Wednesday, May 17, 2006.

The P.C. regular meeting is scheduled for Tuesday, May 23, 2006.

Other Business

Reimink returned to the request made during the Public Comment section by Mel Davis at the beginning of tonight's meeting regarding his trucking business. The P.C. attempted to determine why Davis had been approached by Shamblin, Z.A., and Davis responded that he had been told different things. The P.C. further shared what they had assumed were the issues:

- a complaint regarding junk on the property (blight)
- a complaint regarding the truck airhorn being sounded
- concern that Davis has six (6) employees

Davis responded that:

- blight was not the issue
- he uses his airhorn between 7:00 AM and 10:00 PM for business purposes
- he is the only employee and most of his work is contracted out
- none of his neighbors has any complaints about him or his trucking business
- Davis further stressed that there is a maximum of three (3) trucks/trailers on his property at one time, and all his trailers are licensed

The P.C. did discover that Davis' property is not zoned commercial; however, the commissioners stated that they did want to work with Davis. The P.C. agreed that a written report containing reasons for approaching Mr. Davis was required from Shamblin. **Earl** moved that the P.C. send a letter to Shamblin requesting all of the background information (on the Davis trucking issue); **Reimink** supported; motion carried.

PUBLIC COMMENTS

Jerry Schorle, 2152 68th St., advised that the P.C. reference the Zoning Ordinance regarding the Davis trucking issue.

Robert Soltysiak, 6322 113th Ave., recommended that the P.C. send a letter to Hebert, Supervisor, requesting him to summarize the Board's suggestions from the April 12, 2006, special (joint) meeting regarding the Master Plan. **Birkes** will send a letter to Hebert with this request.

Soltysiak asked if a response were needed to Huyge's letter. The P.C. briefly discussed some issues regarding the two (2) propositions Huyge posed. **Earl** expressed the concern regarding the compost business and possible water contamination. **Soltysiak** stated that more information would be required before the P.C. could make any determinations. **Birkes** will send Huyge a letter directing him to the zoning ordinance(s) that would apply, and recommending that Huyge submit to the P.C. an application per the ordinance for review in order for the P.C. to make any determinations.

ADJOURNMENT

Looman moved to adjourn; **Earl** supported; motion carried unanimously. Meeting adjourned at 9:13 PM.

Respectfully submitted,
Elaine I. Troehler
Ganges Township Recording Secretary