

**Ganges Township Planning Commission Special Meeting**  
Special Meeting Minutes **Final** for June 13<sup>th</sup>, 2007  
Ganges Township Hall  
119<sup>th</sup> Avenue and 64<sup>th</sup> 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 Sally **Howard** – present  
Commissioner Dawn **Soltysiak** - present  
Commissioner Ed **Reimink** – present  
Board Trustee Terry **Looman** – present

Public Comments: None

Agenda: Nothing to be added. Motion to approve the agenda as presented by **Howard** supported by **Looman** motion carried.

PUD Amendment Work Session:

**Birkes** clarified that we were using the latest amended version of the PUD amendment dated 12/20/06

**Soltysiak** suggested that we go page by page to expedite the review, and to keep from getting confused. She also requested to change the all references to the word “shall” to “will”, throughout the entire ordinance.

**ARTICLE VII-A**  
**PLANNED UNIT DEVELOPMENT**

**Section 7A.01 Intent.**

- A. The intent of this Article is to provide a degree of flexibility in regard to the use area, (~~delete the word “height”~~) bulk, and placement regulations for .....

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**Section 7A.02 Eligibility for PUD Status: Qualifying Conditions**

- A. 1. The PUD site must constitute a land area (~~delete “of at least 15 acres”~~) (~~add consistent with the Table #7A.~~)

3. In addition to the proposed PUD must meet one or more of the following preconditions:

- a. Sites determined to be appropriate for redevelopment, including sites with buildings that are functionally obsolete or historically significant. (~~Delete the remainder of the paragraph “and sites where achieving economically sound development under a conventional zoning approach would be extremely difficult.”~~)

**Milliken** asked if these changes along with the changes in “B” below addressed the concerns noted in past meetings regarding “pre conditions”. **DeZwaan, Soltysiak, & Howard** assured him that they do.

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- B. The PUD will not be approved if any of the following conditions are determined to exist on the proposed development:

1. The PUD is used for the sole purpose of increasing the density or intensity of development, (~~add “avoiding land division requirements”~~) or avoiding the requirements for dimensional variances.
2. The PUD is used in situations where the same land use objectives can be accomplished by the application of conventional zoning provisions or standards, (~~add “unless sufficient benefits to the public health, safety and general welfare can be established”.~~)

3. The PUD adds public service or facility loads beyond those contemplated (add “by the parallel plan”) in the Master Plan .....

**Section 7A.03**

**Types of PUD’S**

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Table 7A.1

PUD DESCRIPTIONS				
PUD District	Minimum PUD Size	Locations Allowed	Permitted Uses	Percentage Open Space Required
Residential (RPUD) Standards Under <b>Sec.7A.03.E</b>	(Delete “1 acre & Replace with 5 acres.”) (Add “15 or more acres before giving the bonus ‘7A.03C’”)	Where pre-PUD zoning is R, R/A, (add “C”) or A District.	Residential uses permitted in the pre-PUD zoning district in addition to special land uses of these districts.	30%
Mixed Use (MPUD) Standards under <b>Sec. 7A.03.E</b>	20 Acres	Where pre-PUD zoning is R or C.	Residential, small scale commercial, office, and recreational uses as permitted in these zoning districts and the standards herein.	20%
(Add “Mixed Use” MPUD Standards Under <b>Sec. 7A.03E</b> )	(Add “30 Acres)	(Add “Where pre-PUD zoning is R/A.”)	(Add “Residential, small scale commercial, office, and recreational uses as permitted in these zoning districts and the standards herein.”)	(Add 30%)
Industrial (PUD) Standards under <b>Sec. 7A.03.F</b>	20 Acres	Where the PUD zoning is 1 and public sewer is available.	Uses permitted in the “I” (Delete “or C”) Districts where integrated into an office/research/light industrial park setting.	(Add 30%)

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**Soltysiak** How does the table above affect “Tiered Zoning” in every zone?

**Milliken** Lets look at the Commercial Zone for instance. Any use in the R & the RA Zones. You’ve got your RPUD where the pre-PUD zoning is R, RA, C or A Districts. Permitted uses, residential uses permitted in the pre-PUD zoning district. Page 7A-6 section 7A.03 D.1. “The purpose of the RPUD is to promote neighborhood development, which provides a variety of single-family housing opportunities in addition to small scale multiple-family uses. Adjustments were made to allow for the Planning Commission to deal with the “Tiered Zoning”. If you want to accept the tiered zoning and say ok this is a RPUD but it’s in the Commercial district, so because it’s in the commercial district, commercial can then be allowed as well as R/RA etc. even though it’s a RPUD, it may still have commercial or agricultural use because it’s in a commercial district and that’s where we are. Or, do you want to say this is a RPUD, and because it’s an RPUD, it can only be used for residential purposes.

If it’s a RPUD it’s residential, if it’s a MPUD it’s a Mixed Use PUD, if it’s Commercial it’s Commercial, if it’s Industrial, it’s Industrial.

**Soltysiak** stated that she would rather see it the MPUD. If it’s a mixed use PUD and you allow residential, small scale commercial, office, etc, it allows for the community to be interwoven and enmeshed better

making it much more appealing, rather than having the commercial along the front with the residential stacked up behind it.

**DeZwaan** agrees, however if you look at the current zoning (m)ap where residential land is being developed is along Blue Star Hwy and M-89. Those are all fronted by either industrial or commercial property. Would that restrict someone that ~~that~~ wanted to put housing on a piece of property in that frontage?

**Birkes** asked with this ordinance is what will happen once someone creates a PUD, is that land then gets rezoned to reflect the new PUD, and the pre-existing zoning would go away.

**Milliken** noted that one of the changes you made is if you opened up RPUD's to the commercial district that wasn't there before, but you have now added it. So, if someone wants to build a RPUD with frontage along roads that are currently commercial zoning you cannot build a RPUD in that commercial zoning district.

**Howard** asked if we have to do anything to the existing ordinance for this not to be affected by tiered zoning for this to stand on its own. Tiered zoning is simply irrelevant to this.

**Milliken** responded that you will want to make things a little more specific to clarify your questions. Describe each PUD in more detail, specifying permitted uses.

**Birkes** clarified his understanding is that we'll create these different types of PUD's i.e. RPUD, MPUD, CPUD, etc., based on the current definition of that piece of property. We'll get away from what we are currently having to do which is approve a specific part being zoned 1 way, and another part zoned another way.

**Milliken** described an example: You purchase 30 acres off M-89 zoned commercial, I have the option here of doing a MPUD or a RPUD. I go to those two sections on page 7A-6 and it shows that I can do these specific uses in a MPUD and these uses in a RPUD, and then make my choice knowing exactly what I can and cannot do.

**Gooding** clarified with Milliken asking him when you do that, it means that the commercial part of it becomes zoned RPUD. Let's for example say it's MPUD, and you want some commercial ventures in there. Do you have to remain in the part that's commercial or can you put them anywhere within the PUD?

**Milliken** responded that you will have to work with the applicant. Technically & legally speaking it can go anywhere with it. The applicant from a marketing sales perspective, would want it to be on the road, from an adjacent land owner or community standpoint the Planning Commission would want it to be on the road as well. You are not bound by that community from a maintaining land use plan.

**Gooding** added that any traffic that would have to support that commercial venture would then have to move through the PUD.

**Milliken** suggested that there may be some minor commercial like a corner store to support the duplexes. That would be ok; however Milliken expects that most of the commercial would be up front.

**Soltysiak** noted that we don't want to give density bonuses in agricultural, which require 2 ½ acres lot size stating that we don't want to give density bonuses in an area where we're trying to keep agricultural.

**Milliken** quoted past minutes that stated that RPUD require a minimum of 5 acre parcels in the residential district with no bonuses for any size parcel. Offer of bonuses may be revisited if lot sizes change in the future. **RPUD district must have a minimum of 15 acres in the res/ag district to be eligible for the bonus.**

- C. **Density Bonus.** The number of units permitted in a PUD development may be increased at the discretion of the Planning Commission for including one or more of the elements identified below. Each element is worth an additional bonus up to a maximum density increase of 15% in all districts. The following table demonstrates the impact of the maximum density bonus in each district.

**Milliken** recommended that the table be deleted. It gets confusing and is difficult to follow. We will add a paragraph about the density bonus for RPUD to be a minimum of 15 acres. See "D" below.

Zoning District	Permitted Density Under Conventional Zoning	Maximum Density Bonus	Permitted Density with Open Space Bonus
<b>DELETE TABLE per Greg Milliken's suggestion</b>			
A	1:2 acres	15%	1:1.74 acres
R/A	1:1.5 acres	15%	1:1.30 acres
R	1:35,000 sq. feet	15%	1:30,435 sq. feet
C	1:1.5 acres	15%	1:1.30 acres
I	1.2 acres	15%	1:1.74 acres

To be eligible, a proposed PUD development (~~delete “must” and add the words “meet or”~~) exceed one (~~delete “of” and add “or”~~) more of the requirements of this section of the Ordinance.

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#### D. Residential PUD (RPUD) Standards

2. Housing types: Not more than thirty percent (30%) of the dwelling units may be two-family. (~~Delete “or multiple family. In no case shall any structure contain more than 4 dwelling units.”~~) The remaining dwelling units will be detached single-family dwellings. (~~Applicant must have a minimum of 15 acres to be eligible for a density bonus.~~)

#### E. Mixed Use PUD (MPUD)

1. Uses: A Mixed Use PUD will be consistent with the Master Plan. A minimum of sixty percent (60%) of the developed PUD land area will be occupied by residential uses and a minimum of (~~delete “twenty five percent 25%” and add “ten percent 10 %”~~) of the developed PUD land area will be occupied by non-residential uses.

**Soltysiak** asked for clarification on the use of the word “minimum”.

**Milliken** The idea is to insure that there is a mix of uses, so at least sixty percent (60%) is for residential use and twenty five percent (25%) is for non-residential. Provide some commercial so that you offer a mix of uses.

**Birkes** noted that if it had to have a minimum of each kind of use, we do not have the room for flexibility for less than that.

**Milliken** replied that PUD’s are negotiable i.e. lot size and set backs are negotiable. They may come to us and say that they can’t hit the twenty five percent (25%) but that they can hit twenty percent (20%). The Planning Commission then advises that the ordinance calls for twenty five percent (25%), but can work with them with some give and take on both party’s. It does set a precedent, so you need to be careful. Greg doesn’t recommend going against things that are within the ordinance.

**Howard** clarified that from a technical point of view, the amount of land parking etc., that they would allow them to get to their requirements.

**Milliken** recommended that we change the 25% to 10% to avoid that situation.

**Gooding & DeZwaan** concurred that if we lower it to 10% (as a minimum) they can always ask for more, and it doesn’t leave us in a situation where we have to make exceptions for less, while leaving the possibility of increasing the minimum rather than needing to lower the minimum to accommodate a developer.

**Gooding** requested that we lower the minimum of the PUD land area to be occupied by non-residential uses to 10%.

a. **Commercial Uses:** The following uses will be permitted commercial uses within a Mixed Use PUD and will be recorded with a deed restriction on the property:

(1). Food and beverage stores for the sale of: groceries, fruit, mat, baked goods, dairy products, beverages and liquor (~~add “with a maximum size of 20,000 square feet”.~~)

**Soltysiak** asked if we can require size restrictions for the MPUD?

**Milliken** replied that we could, and that would allow a smaller scale grocery store, but not allow larger scale “box stores”.

**Soltysiak** expressed concern about allowing a maximum of 20,000 square feet buildings for a MPUD would include approximately two thirds (2/3) of the township seemed a bit extreme.

**Howard, Looman, Gooding, and Birkes** agreed that 20,000 square feet sounded sufficient.

**Milliken** added that if you look ahead at 7A.03.E.2.a Driveway Access and Circulation it states that “Access will be limited to one (1) major entrance along any County Primary Road or State Road, excluding any entrance designed solely for truck traffic. Even if it’s res/ag it’s required to have at least 1 property line abutting a primary road or state road.” This would limit the property that makes it possible to locate a 20,000 square foot structure. It could further be defined that MPUD’s could only be allowed on Blue Star Hwy, M-89, etc., (or class A roads).

**Soltysiak** noted that a 20,000 square foot structure could potentially create quite a lot of traffic. Who would be responsible for the possible overuse and required maintenance that could be required due to the increase in usage.

**DeZwaan** stated that she is comfortable with the way it reads based on what is described as “commercial uses”: 7A.03.E.1.a.(1).

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3. **Commercial Building Design:** (delete the word "Standards")
  - a. (Delete "Façade Buildings shall utilize high quality architecture and landscaping that creates an integrated, pedestrian oriented environment. At least sixty percent (60%) of first floor office and commercial development shall be clear glass.")
  - a. (Add "In keeping with the master plan commercial buildings should maintain a rural look and feel.")

**Milliken** asked what "rural look and feel" means?

**Howard** answered that they are simply trying to keep the Planning Commission from playing Architectural Designer.

**Milliken** explained that if he submitted drawings that he feels have a "rural look and feel" and the Planning Commission disagrees, whose definition and interpretation is correct? The way it currently reads, the Planning Commission has nothing to base a yes or no on. He suggested that there be more detail in the description as well as an example.

**Birkes** suggested adding to rural look and feel, emphasizing natural style and materials.

**Soltysiak** suggested that Milliken look into examples currently being used in other small town rural communities.

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- b. (Delete entire paragraph "Primary building materials for non glassed areas of the remainder of the commercial or office buildings shall be comprised at least fifty percent (50%) masonry material such as brick, stone or split face block".)
- c. (Delete entire paragraph "Plain concrete masonry units (cement board) shall constitute no more than twenty percent (20%) of the facades of any building.")
- d. (Delete entire paragraph "Sheet metal paneling on exterior walls is prohibited.")

#### F. Industrial PUD (IPUD)

2. **Dimensional Standards:** All buildings, and structures, and parking areas will meet the minimum setback standards of the Industrial District for the perimeter of the PUD. On interior lots, dimensional standards (add "and") setbacks (delete "and building height") will be approved (delete "by the Township board upon recommendation") by the Planning Commission, through the PUD approval. In no case, however, will the overall lot dimensions or yard requirements be less than forty percent (40%) of the zoning District that the use(s) would be placed in without a PUD. (Delete "The height restriction with any use shall not be increased by more than thirty percent (30 %).")

**Looman** inquired if thirty percent (30%) should be replaced with thirty five (35') which is standard for fire requirements?

**Soltysiak** explained that the current ordinance states 35' and that the underlining standards of the district would supersede this specification for IPUD.

3. **Buffer:** There will be a fifty (50) foot deep buffer strip along exterior public roads and any adjoining Residential District, either landscaped or preserved in a natural wooded condition. The public road buffer strip may be reduced in depth (delete: "by the Township Board upon recommendation") by the Planning Commission if the applicant provides additional landscaping. The Residential District buffer may be reduced (delete "by the Township Board upon recommendation") by the Planning Commission if the applicant provides (delete "a six (6) foot masonry screening wall") (add "appropriate buffering.")

**Birkes** suggested that we change the IPUD "buffer" description to offer some flexibility to negotiate what kind of buffer should be used based on the IPUD application.

**Howard** concurred, stating that the best buffer for a particular IPUD might include a six (6') foot chain link fence, which may be the most appropriate "buffer" for that application.

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### Section 7A.04 Development Standards

#### A. Minimum Standards

1. Unless specifically waived or modified by this Article of the Ordinance or the Planning Commission, all Zoning Ordinance requirements for the underlying zoning district will remain in full (add the word "force".)

**Soltysiak** noted that help is needed from Milliken to clarify procedure in a situation of a PUD application, that straddles 2 different districts. If we are rezoning a development the height restrictions, parking etc. remain the same.

Milliken stated that if a development straddles two (2) districts there could be an issue on the lot coverage and/or building height. The key here is to be consistent each time the situation arises. **Gooding** suggested that if the situation arises where you have an application for a PUD that includes 2 different districts, you take the part that is commercial and apply commercial guidelines to that area, and if the other portion is residential, then the residential guidelines apply. Milliken again stressed the importance of being consistent throughout!

#### **B. Dimensional Standards.**

1. Zoning ordinance requirements for screening, parking, and landscaping will be considered when modifying existing standards.
2. (Delete current item #2 in its entirety "Zero lot line setbacks may be permitted on one (1) side lot line provided that the remaining sided equals at least fifteen (15) feet.")
3. (Delete current item #3 in its entirety "The height restrictions on any use shall not be increased by more than 25 %.")
2. (Current item #4 becomes item #2 due to the deletion of current items #2 & #3.) The required setbacks along Lake Michigan, (add "Hutchins Lake, M89") and Blue Star Highway will not be reduced.)

#### **D. Parallel Plan**

The permitted density in the planned Unit Development will be based on the net buildable area of the site, as demonstrated on a parallel plan submitted by the applicant.

To assist the Planning Commission in determining the number of lots permitting in the PUD, the applicant will submit a parallel plan for the development that is consistent with the requirements for a preliminary site plan in Article 7D. The parallel plan should show how the site could be developed under conventional zoning and subdivision standards. (Add "Any wetlands as identified by a certified

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wetland analysis will be deducted from the total acreage under consideration." (Add the word "The") parallel plan should be ....

**Soltysiak** asked Milliken if whether or not we were going to consider ravines, drop-offs, etc.

**Milliken** responded that if you have ravines & drop-offs unbuildable using legitimate reasonable engineering etc., it doesn't count. If their using reasonable engineering then they can put a lot there, it is then considered eligible, and simply "X" out what is not buildable.

**Birkes** noted that the way the current ordinance reads it does not allow the GTPC the latitude to put an "X on anything, including wetlands. For example, if someone came to us wanting to develop 30 acres in the R/AG district.

**Milliken** questioned the Planning Commission asking if a development straddles 2 districts, there could be an issue on the lot coverage, building height, etc., the front 1/3 is res/ag, what building height would be required? He further noted that whatever the PC comes up with for a solution, that it be handled consistently every time (average it, and apply standards accordingly).

**Gooding** added with support from **Milliken** that if you have a development that is "mixed", the portion that is commercial, then the guidelines for commercial would apply, and if its residential it would follow the residential guidelines.

**Milliken** directed the PC to review the third paragraph of 7A.04.D "The Planning Commission will review the parallel plan and determine the number of lots that could be feasibly constructed (based on site conditions, engineering, cost, and similar factors) following the design. This number, as determined by the Planning Commission, will be the base number of dwelling units allowable for the Planned Unit Development project. Any bonus granted by the Township will be applied to this number."

**Birkes & DeZwaan** expressed concern that this puts the PC in a arbitral situation in determining what's buildable and what isn't.

**DeZwaan** asked how does this affect the bonuses that could be awarded?

**Milliken** noted that if you read on in the same section, next paragraph 7A.04.D, it states that, "Any bonus granted by the Township will be applied to this number."

**Howard** added that per ~~that per~~ the aforementioned paragraph 7A.04.D that the PC will review the parallel plan and determine the number of lots that could be feasibly constructed ..... It is not arbitrary when the PC gets to ~~exert~~ **exert** some level of discretion is when it comes down to "feasibly constructed".

**Gooding** expressed concern with the possibility of a person coming in with engineered drawings, showing that they plan to cantilever out to support a structure. We (the PC) do not want to be in a situation where we are debating an engineers drawing.

**Milliken** added that you (the PC) need to decide what's acceptable using your discretion. You may say, they have gone through all the work & effort to have an engineer review the site, and give them the go-ahead based on that. He continued by saying that one of our biggest recourses is right along the lakeshore. If a plan is similar to what has already worked, then you would approve it. But if something new is submitted, that has not been done before, then you need to use your discretion.

**Soltysiak** requested Milliken to add language to the ordinance that prevents the PC from having to traipse through the property to determine if the property is buildable or not.

**Milliken** reiterated that the parallel plan requires that the applicant adhere to all requirements in section 7D.04. Whatever is required on a preliminary site plan, they need to provide on a parallel plan, which would include topographical lines. He will look at the language to see if anything further should be added.

**Milliken** requested the review of Wetlands. We have added to section 7A.04.D second paragraph, "*Any wetlands as identified by a certified wetland analysis will be deducted from the total acreage under consideration.* The parallel plan should be drawn to contain the maximum number of lots allowable per these standards in the underlying zoning district."

**Gooding** added that in our minutes, that in the parallel plan, 100% of the wetlands must be removed.

**Milliken** agreed and stated that you can't put any building lots on certified wetland area.

**Gooding** stated that wetlands cannot be counted as part of the open space either.

**Milliken** added that Section 7A.05.B should be deleted and a new paragraph B state that wetlands cannot be counted as part of the open space.

**DeZwaan** noted that she thought it should be noted on section 7A.05 item #D.6 **Wetlands**.

**Milliken** recommended that in Section 7A.05 E-3. We add "*with exception of ag uses*". The issue there is open space can be many different things, so if we specify that 1/3 of the open space be trails, a ball field, playground, and in general a place for community members.

**E.** The layout of the roads will generally provide a continuous circuit of travel or permit such an extension in the future. Where proposed land is limited by natural barriers or use of the land, a cul-de-sac design may be approved provided that an easement or right-of-way is reserved extending from the cul-de-sac to the development boundary. If a road of an existing development terminates at the boundaries of the proposed development, the proposed road network will connect. These requirements may be waived by the (add "planning commission" and delete Township") where natural barriers or other similar conditions exist that make such arrangements not feasible. (Add "all roads must comply with the Private Road Ordinance. Article VIIF".)

**DeZwaan** clarified the above paragraph, "if a road of an existing development terminates at the boundaries of the proposed development, the proposed road network will connect." Does that include forcing that it be connected to other private roads?

**Milliken** responded with affirming that statement.

**Howard** added that she thought that the PC had decided not to do that. If people are in an existing development and live at the end of the road and all of a sudden they live on a thoroughfare, she suspects that they would be pretty unhappy.

**Soltysiak** stated that she doesn't see how we can force them to do that, since they already have a set private road agreement.

**Milliken** noted that you can ask for it, and it then puts the burden on the developer to try to make it happen. It would help prevent having a bunch of cul-de-sacs.

**Gooding** expressed concern that a lot of roads along the lakeshore that were constructed before our existing road ordinances were put into effect. We have rules in our zoning ordinance that states if your connecting roads that both roads must be brought up to current standards.

**Soltysiak** would like to see a statement added that "if possible and feasible" to connect new roads to existing roads.

**G.** Plans must satisfy the minimum parking requirements of (add "Section 7.8" & delete "Article 18") of this ordinance. However, the township .....

**H.** All parking and loading areas servicing non-residential uses will be to the rear or side of the structure and fully-screened from view of any public roadway., except that the Planning add (capitalize the letter "C" in the word commission) may allow up to twenty-five percent (25%) of the minimum number of required parking spaces in the front yard. Where the parking lot is visible from residential units or open space, it will be screened with a landscape buffer consisting of evergreen trees, (add "minimum 6' tall and") spaced no more than fifteen (15) feet on center.

## Section 7A.05 Common Open Space Requirements.

B. A minimum of 25% of the open space will be usable, upland areas. (Add “Wetlands cannot be added as open space”)

D. The following land areas will not be included as dedicated open space for the purposes of meeting minimum open space requirements:

4. (Delete existing item #4 in its entirety “Surface water in detention or retention basins (unless designed to have the appearance of a natural wetland, in which case they may be counted for up to fifty percent (50%) of the required open space.”)

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Current item #5 becomes item #4. Parking and loading areas.

Current item #6 becomes item #5. Any other undeveloped areas not meeting the intent and standards for open space stated in this Section, as determined by the Planning Commission. (Add new item #6. Wetlands cannot be counted as part of the ‘Common or Open Space Requirements.’)

E. On-Site common open space will be planned in locations (delete “visible and”) accessible to all in the development. The Planning commission will determine if the proposed open space is usable and functional. ~~The~~ **The** common open space may either be centrally located, located to preserve natural features, located to buffer adjacent uses, or located to connect open spaces throughout the development, provided the following areas will be included within the open space area:

2. At least one-third (1/3) of the required common open space will be usable open space for the residents of the development, (add “with the exception of agricultural uses.”)

3. Open space, except for where trails and bike paths are allocated will have a minimum dimension of one hundred (100) feet by on hundred (100) feet.

(Delete current item #4 in its entirety.)

(Current item #5 becomes new item # 4) A minimum fifty (50) foot wide undisturbed open space setback will be maintained from the edge of any stream or wetland; provided that the (delete “Township Board”) (add “Planning Commission”) may permit trails, boardwalks, observation platforms, or other similar structures that enhance passive enjoyment of the site’s natural amenities within the setback.

(Current item #6 becomes new item #5)

F. Designated open space will be set aside through an irrevocable conveyance, approved by the Township Attorney, such as a recorded deed restriction, covenants that run perpetually with the land, a conservation easement, or land trusts. The dedicated open space will forever remain

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open space, subject only to uses on the approved site plan. Further use of open space for other than recreation or conservation purposes, except for easement for utilities, will be strictly prohibited. Any change in use of the open space from what is shown on the approved site plan will require (delete “Township Board”) and (add “Planning commission”) approval, and will not diminish compliance with the requirements of this chapter.

H. Allowable use(s) of the dedicated open space will be indicated in the conservation easement or other legal instrument and will prohibit the following:

2. Activity that may cause risk of soil loss (add, “with the exception of agricultural uses.”)

Delete current item #4 in its entirety.

Current item #5 becomes new item #4 with no changes to the current text.

Delete current item #6 in its entirety.

I. (Delete “1.”) Requirements for maintenance of the open space will be provided. (Add “Including that the dedicated open space will be maintained by parties who have an ownership interest in the open space.”) In the event that the open space is not adequately maintained, or is determined by the Township Zoning Administrator ...

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**Howard** requested that we form a new sub committee to review the remainder of the PUD ordinance. Sub committee to include **Soltysiak, Birkes, & Howard**. **Soltysiak** requested that the remaining board members (not on the sub committee) to please review the remainder of the PUD content, and email or call a sub committee member with questions and/or comments.

**Howard** requested that when we have the next special meeting that we get it ready to go to the community in a public meeting. We really need to get work finished this year!

**Birkes** if we replace the issues in this PUD ordinance, we still leave the mobile home issue up in the air. We need to get shore up the mobile home issue, before officially implementing the new PUD ordinance.

**Howard** requested that Greg email the state regulations to them, so we can try to read them ahead of time, so we can be prepared to have that hearing at the same time.

**DeZwaan** noted that the Site Condo ordinance has been adjudicated under our PUD ordinance and that needs to be addressed also.

**Milliken** stated that the site condominiums ordinance you are laying out the lot layout and the street layout. You can lean on your PUD ordinance, for reference, and it can be adjusted or modified as needed. Greg will send us samples of other Site Condo ordinances from other communities for PC members to review.

**Gooding** also encouraged the PC not to make the PUD ordinance so difficult that people don't understand it. It also makes it easier for us to know if it's being followed.

**Soltysiak** added that we need to have enough information that we don't have to recreate the ordinances each time.

**Reimink** asked if this PUD description will replace any and all other PUD descriptions in the past?

**Milliken** added that he will be getting more specific in the communities that are listed within various districts. There will be uses listed already in your zoning ordinances.

### **Other Business That May Come Before the Commission**

**DeZwaan** attended the township board meeting last night, and there were just a few things that came up; 1 land division reported in May and conditional rezoning and use variance amendments were approved June 29<sup>th</sup>, 2007 is the tentative date for these amendments to go into effect (subject to publication and making sure there are no errors). There was a question raised regarding our preliminary site plan review. Recommendation was made that we require legal proof of ownership of property in the preliminary review, rather than at the final review. The question is, (in speaking for the property owner) "if there is a representative speaking for the property owner, that we have something in writing stating that the "representative" has permission to speak on their behalf.

~~**Gooding:** he also was asked by a board member to implement the requirement of written proof that there is a legal change for the representative to speak on behalf of the owner.~~

**Howard** suggested that the PC include in the ordinance that the representative has written permission to speak on the owner behalf. She requested **Gooding** to send a quick letter to the lawyer to ask for recommendation on how to implement this.

**DeZwaan** noted that the board had a situation recently, when a builder represented a landowner, and then the landowner was never involved.

**Birkes:** Add this requirement to the site plan review and ordinance.

**Soltysiak** suggested that we ask the attorney, so that we have it done legally and correctly from the beginning.

**Birkes** what will we require upon application?

**Gooding** suggested that we take language from the final site plan, move it to the preliminary.

**Howard** suggested that we leave it as "proof of ownership".

**Birkes** will write up a note to the attorney asking for them to review the his wording, and expedite the process of implementation.

### **General Public Comment**

**Elaine Troehler**, outgoing recording secretary, explained that the minutes that were previously submitted from the April 17<sup>th</sup> special meeting, (and have subsequently been previously approved, with corrections) had inadvertently been submitted without all of the pages attached. She has re-issued them to **Birkes**, and they need to be reviewed again by the PC, and that they will need to go through the approval process once again, now that they are complete!

**Birkes** mad(e) a resolution that the Planning Commission extend their thanks for the great job Elaine **Troehler** did in her time as the Recording Secretary and the service she has given to Ganges Township!

**Birkes** also extended a welcome to Ronda **Hall**, the new Ganges Township Recording Secretary!

### **Future Meeting Dates**

June 26<sup>th</sup> next regular meeting

July 11<sup>th</sup> next special meeting

July 24<sup>th</sup> next regular meeting

### **Public Comment**

Bob **DeZwaan** 2259 68<sup>th</sup>

5 minute section on the tape, 2 legal discussions going on at 1 time. Everyone is talking over each other.

### **Adjournment**

Moved to adjourn at 9:08 June 26<sup>th</sup> next by **Looman**, 2<sup>nd</sup> by **Howard**. Motion unanimous

Respectfully submitted,

Ronda J. Hall

Ganges Township Recording Secretary