

**Ganges Township Planning Commission  
Regular Meeting Minutes for March 25<sup>th</sup>, 2008  
Final  
Ganges Township Hall  
119<sup>th</sup> Avenue and 64<sup>th</sup> Street  
Fennville, MI, Allegan County**

- I. Chairman **Birkes** called the meeting to order at 6:58 PM.

**Roll Call:** Chairman Jim **Birkes** – Present  
Vice Chairman: Barry **Gooding** – Present  
Secretary: Jackie **DeZwaan** – Present  
Commissioner: Sally **Howard** – Present  
Commissioner: Ed **Reimink** – Present  
Commissioner: Dawn **Soltysiak** – Present  
Board Trustee: Terry **Looman** – Present

Also present was Zoning Administrator – Tasha **Smalley**

II. **Business Session – Public Hearing – Baker Re-Zoning Request**

Gertrude Baker, 6810 124<sup>th</sup> Avenue, was represented by Shirley Newman (daughter), 6621 121<sup>st</sup> Avenue. The request is for property 0307-005-003-00, currently zoned Res/Ag, to be changed to General Commercial. The township's Future Land Use Map depicts this parcel as being re-zoned General Commercial in the future.

**Tasha Smalley** explained that all properties surrounding this parcel are currently zoned Commercial including the property across the street which is Saugatuck Township, and when they do decide to sell this property they want the opportunity to sell it at market value for Commercial use.

Roy Newman, 6621 121<sup>st</sup> Avenue, added that the viability of the Baker property as a residential use is greatly reduced due to the addition of the Highway (with entrance/exit ramps) being constructed so close to the residence.

Theresa Wiley, 6633 121<sup>st</sup> Avenue, voiced her support for the change.

Walter Johnson, 2122 62<sup>nd</sup> Street, added that the highway makes this property more conducive to being zoned Commercial.

Public Hearing closed at 7:02

III. **Public Hearing – VinTerra – Zoning Ordinance Text Amendment Request**

**Smalley** explained that she originally discussed conditional re-zoning with the owners. However, because wineries are not listed as an option, she thought that requesting a text change might be the next viable option. Dan Nitz, 7707 Lincoln, Baroda, MI spoke on behalf of the winery stating that the zoning text amendment was an attempt to get the process going. There were no other comments.

Public Hearing closed 7:06

IV. **General Public Comment**

Theresa Wiley asked the Commission to continue to fight on behalf of Ganges Township residents for the 121<sup>st</sup> Avenue Beach.

## V. Correspondence

Letter from Robert Soltysiak, 6322 113<sup>th</sup> Avenue (dated March 10<sup>th</sup>, 2008) to the Board, copy to the PC. Soltysiak wrote in support of the Recording Secretary's request for additional compensation for compilation of minutes, as well as updating the inadequate recording equipment. He supports detailed minutes in addition to the meetings being taped, for potential support of appeals to the ZBA as well as in court.

Memo from PC Secretary **DeZwaan** to Zoning Administrator **Smalley** (dated February 27, 2008) regarding the final site plan for Glenn Oaks PUD, which was approved with conditions on March 21<sup>st</sup>, 2007. The PC requested **Smalley** to verify that the conditions have been complied with and to include that information in her report to the PC next month.

Memo from **Jim Birkes** (dated 3/19/08) to members of the PC, forwarding two items. The first was a 1/11/06 letter from Michael J. Baranoski (Kalamazoo District Remediation and Redevelopment Division Project Manager) addressed to Hank Gudith, Township Supervisor for Saugatuck Township. Subject: Memo Summarizing Fieldwork at the Blue Star & M89 Site, Saugatuck & Ganges Townships Allegan County, MI The second was a summary of water well test data from the Baker property, date unclear.

Email to PC Secretary **DeZwaan** from Bill Hinz, Deputy Health Officer with the Allegan County Health Department, (dated March 14, 2008) subject: well moratorium at M89/Blue Star Hwy and Lakeshore Drive. The memo confirmed TCE and MBTE groundwater contamination and the current status of that contamination.

## VI. Administrative Updates

### A. Township Board – Terry Looman

**Looman** noted that the April meeting for the Township Board will be on Tuesday, April 15 at 7:00 PM. There are 3 PC members currently signed up for a workshop on March 31<sup>st</sup> in Allegan. He also noted that there is a new rule under GAAMP (Generally Accepted Agricultural Management Practices), requiring all non-farm residents within a half mile of a new farm development to be notified.

### B. Zoning Board of Appeals – Barry Gooding

No report.

### C. Zoning Administrator – Tasha Smalley

**Smalley** addressed the memo received from **DeZwaan** regarding Glenn Oaks PUD, 1336 Blue Star Hwy – 0307-031-0007-00. The approval for this PUD was contingent on all necessary permits being obtained from the state, county, and local agencies. On March 27<sup>th</sup>, 2008 **Smalley** inspected the project, and noted that it is well under construction. Final grading will be completed this spring and summer. Once the final grading is completed, all other permits, including building permits, will be obtained.

**Smalley** also inspected Suequehanna – 1502 71<sup>st</sup> Street -0307-030-021-00 for compliance. The first building permit has been issued. After review it was noted that four items required by the final site plan were missing: MDEQ permit for septic system, Purchase Agreement between Cottage Home and current owner(s), evidence of ability to finance the project, and Joint Maintenance and Indemnification Agreement. **Smalley** sent a letter to the developer requesting these items.

Also included were three reports to PC for Mineral Mining Special Use from Dan Ciesla, (6342 113<sup>th</sup> Avenue)

**Smalley** also noted that she has not received an application for the Harrington Landscape business.

In discussion with **Smalley**, **DeZwaan** asked about Friends Mother's Trust and about the Klinger deed. Smalley reported that the Klinger deed issue had been resolved. The PC asked that **Smalley** continue to look into the Friends of Mother's Trust land divisions, and to regularly check and report back regarding any project that was approved with contingencies.

## **VII. Business Session**

### **A. Approval of prior minutes**

Motion by **Soltysiak** to approve the draft minutes from the January 22, 2008 Regular Meeting with corrections noted. Seconded by **Gooding**. Motion approved with **Howard** and **Looman** abstaining.

Motion by **Howard** to approve the draft minutes of the February 26, 2008 Regular Meeting with changes as noted. Seconded by **Looman**. Motion approved with **Birkes** and **Gooding** abstaining.

### **B. Approval of Agenda**

**Soltysiak** moved to approve the Agenda, with the addition of 4. Non-Conforming Structures and 5. Duties of Secretary, both under D. New Business. **Looman** seconded and the motion passed unanimously.

### **C. Old Business**

#### **1. Zoning Ordinance Amendments**

The recently approved Zoning Ordinance Amendments were not noticed in the newspaper in time for them to become effective when expected. They will now become effective next Saturday.

#### **2. Zoning Ordinance Update Project**

**Howard** reported that Brenda Moore, Planner, apologized for missing last week's Special Meeting and for not getting us the documents she had planned because of health problems. Moore plans to be at the next Special Meeting and will have documents to the PC in advance of that meeting.

#### **3. Recording Secretary**

**Looman** reported that he and Clerk Yonkers still need to have a meeting with Recording Secretary Ronda Hall. Issues regarding pay, taping the meetings, and the level of detail to be included in the minutes were discussed. **Birkes** will send a letter to the Board regarding these three items.

### **D. New Business**

#### **1. Baker Rezoning Request**

Gertrude Baker of 6621 121<sup>st</sup>. Ave., represented by her daughter, Shirley Newman of 6810 124<sup>th</sup> Ave., requests rezoning of her property, parcel 0307-005-003-00 from Res/Ag to Commercial.

The application states that the Master Plan shows that the property has been designated as future general commercial.

**Birkes** asked **Smalley** whether this request is consistent with the Master Plan and **Smalley** replied that the Future Land Use Map shows this area as commercial. **Birkes** followed up by asking her why section 4.b under Commercial Objectives and Policies, on page 25 of the Master Plan, (hereafter "4b") is not relevant here? **Smalley** replied that no one is proposing to develop the land, simply to rezone it.

Responding to questions from **Reimink**, the applicant stated that the small sliver of land next to the proposed property is privately owned, and that there is 169.82' of road frontage on the proposed parcel.

**DeZwaan** raised the concern that this area was not accurately depicted on the Future Zoning Map, but that the text of the Master Plan is clear. Further, she was concerned about the water contamination in that area and the township's stated concern for environmental safety, particularly in the contaminated area. Roy Newman, of 6621 121<sup>st</sup> Ave., explained that the state supplied water for drinking and that the state had also approved a new well which is sampled quarterly.

**Birkes** asked the PC whether they believe that this request is consistent with the Master Plan. Three members believed that it is; four held that it is not. **Birkes** noted that, should we approve this request, we should immediately change the Master Plan in order to protect the township.

The PC debated the merits of the request, making the arguments for the rezoning that 1) many of the parcels in that area are commercial, 2) this is a logical place for commercial development to occur, 3) the noise and light from the highway makes it difficult to use as a residential parcel, and 4) if it is sold as commercial, the developer has the responsibility to work with the Health Dept and DEQ, making the contamination and well moratorium issues essentially not the Planning Commission's business. The arguments against the rezoning include 1) that the Master Plan specifically calls for limiting commercial development at freeway interchanges unless and until public utilities are provided to accommodate the increased land use intensities (4b), 2) that under Future Land Use Categories within the Master Plan, there is specific mention made of the groundwater protection and wellhead protection areas, and 3) that we have an abundance of undeveloped commercial property.

**Soltysiak** pointed out that the parcel in question is not, in fact, completely surrounded by commercially-zoned property. **Reimink** remarked that future development would be done properly and would not contaminate the property further.

**Soltysiak** moved that the request by Gertrude Baker for rezoning be denied based on the fact that it is inconsistent with our Master Plan, specifically section 4b and under the general provisions for natural resources and water on page 35 of the Master Plan. Seconded by **DeZwaan**.

**Looman** stated that he believes the Master Plan provides a guideline only, and that we will have exceptions, if not now, then certainly later.

**Reimink** commented that public water and sewer might never happen, and therefore we could approve the request without worrying that this might happen. **Soltysiak** asked who would pay for the public water and sewer if it were to be built? She answered her own question – the township, and therefore the taxpayer, would pay for it.

The motion was called to a roll call vote: **Birkes** – yes; **DeZwaan** – yes; **Gooding** – yes; **Howard** – yes; **Looman** – no; **Reimink** – no; **Soltysiak** – yes. Motion to deny carried 5 to 2.

## 2. VinTerra Zoning Ordinance Update Project

Arrowhead Vineyards/VinTerra Winery, 114<sup>th</sup> Avenue, Parcel 0307-029-050-00, requested a text amendment to the Zoning Ordinance to allow a winery/restaurant in the res/ag zone. The business was represented by Dan Nitz of 7707 Lincoln Ave., Baroda.

**Smalley** explained that the applicant had originally considered applying for conditional rezoning of the parcel in order to allow the commercial use of a winery. She believes that a commercial use cannot be conditionally rezoned into the res/ag zone, and suggested to the applicant that a text amendment would allow them to achieve their desired result. Smalley's drafted text amendment language was part of the PC's information packet.

The PC agreed that this kind of business is good for the township and reflects the Master Plan's interest in agri-tourism. They discussed the need for any winery to come under Special Use and be subject to Site Plan Review. They also discussed the need for a winery to be truly associated with the vineyard or orchard that produces the fruits that are being used in the wine-making. They agreed that a winery should, under the proposed amendment, be allowed both in the res/ag and the ag districts. Finally, they discussed their interest in ensuring that this amendment does not give rise to restaurants in the res/ag or ag district on a small parcel that is not primarily cultivating fruit.

**DeZwaan** suggested that 20 acres should be the minimum parcel size, and **Soltysiak** said that at least 10 of those acres should be under cultivation. The PC discussed the amount of road frontage that should be required, and then decided to stay silent on that subject since it is included elsewhere in the Ordinance.

**Howard** moved to approve the following text amendment, applicable to both the Res/Ag and the Ag zones: "Wineries, including tasting rooms for the retail sale of wine and related goods, as a Special Use under the following conditions and subject to Section 8.5, Special Land Uses:

1. Minimum lot or parcel area will be twenty (20) acres, with at least ten (10) acres in cultivation of fruit for use in the making of wine. (The acres under cultivation may be located elsewhere in Ganges Township.)
2. Shall be located at least 330 feet from R - Residential zoning district boundary lines.
3. Shall meet the requirements of the State and County Health Departments for water supply, liquid and solid waste disposal and other applicable health and sanitation requirements.
4. Shall meet the parking requirements for Section 7.8 Parking Requirements E. Restaurants and other food serving establishments."

Motion was seconded by **Looman** and passed unanimously. **Smalley** will send the proposed text amendment to the township attorney and then it will go to the County and the Board for their approval. The PC will also ask Brenda Moore, Planner, to help create a definition of "winery."

Applicant will return with a special use permit and site plan in April. **Birkes** noted that the application can legally be adjudicated under a pending text change.

## 3. Zoning Map Update

**Birkes** asked for a volunteer to help him find the old zoning map that is missing and to help update the map. Interested PC members were asked to contact Birkes.

**DeZwaan** added that the Future Land Use Map inaccurately depicts the Commercial areas at the M-89 interchange and in Glenn, which caused confusion for this evening's applicant.

#### **4. Non-Conforming Structures**

**Birkes** reported that Supervisor John Hebert asked the PC to do something about the non-conforming structures language in the Ordinance, because it is being construed that any change, repair or upgrade to a non-conforming structure requires a variance, which is a nuisance. **Birkes** will add the item to the agenda for the next PC meeting.

#### **5. Duties of Secretary**

**DeZwaan** asked whether the Chairman could assist her in drafting letters when needed. She also asked the PC members whether sending the agenda and as many attachments as possible was working for them. Both questions were answered in the affirmative.

#### **6. Other business that may come before the Commission**

None.

### **VIII. Work Summary & Future Meeting Dates**

As previously noted.

### **IX. General Public Comment**

**Shirley Newman**, representing the Baker application, expressed her dissatisfaction with the PC's decision, believing that she must now sell the property for almost nothing. She stated that there is only one residence abutting the property. The Baker family wanted nothing to do with any commercial development, they simply wanted to sell the property for what it was worth. The water contamination was not caused by the family. She asked if there were any alternatives to the decision, that is, whether there is an appeal process. **Soltysiak** replied that the family could either go to Circuit Court, or wait until the Zoning Ordinance is updated. Newman asked if the map would be updated, and **DeZwaan** replied that it appeared to have been incorrectly coded but that the text is the substantial part of the Master Plan.

Roy Newman stated that he understood the decision, but believes that the PC voted too soon and should have had more discussion because the members did not agree. He also said that the PC was disagreeing with the State, which says that the land is useable, following the earlier contamination.

Teresa Wiley pointed out that the Master Plan discourages public water and sewer, so how can property that should not be commercially developed until there are public services expect ever to be developed?

### **X. Adjournment**

Motion by **Looman** to adjourn this meeting at 10:10 p.m., supported by **Howard**. Motion approved.

**Respectfully submitted,**

**Sally Howard**  
**Planning Commission Member**