

GANGES TOWNSHIP PLANNING COMMISSION
Monthly Meeting Minutes FINAL for January 23, 2007
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 Sally **Howard** – present
Commissioner Ed **Reimink** – present
Commissioner Dawn **Soltysiak** – present
Board Trustee Terry **Looman** – present

PUBLIC HEARING

Proposed Glenn Oaks PUD

Chairman **Gooding** explained the public hearing process, then opened the public hearing for the Glenn Oaks PUD at 7:01 PM. Tasha Smalley, Zoning Administrator (ZA), briefly explained that Don Karaus, Jr., authorized agent for DJ Associates, is applying for a residential PUD, with 12 units total, three (3) of which have the potential for commercial use at a future date.

Randy Schipper, attorney representing DJ Associates/Karaus, continued with the description of the PUD, adding that currently there are two (2) existing residences on the PUD site. He stated that the twelve (12) units sit on just over 20 acres, and each one is more than twice the size required by the Ganges Township zoning ordinance (ZO) for a residential parcel. Schipper explained that tonight Karaus is interested in having problems identified and wants to address any questions from the PC and public. Per Schipper, all the criteria for Section 7A.3 of the ZO have been met, the application is straight forward, and the submitted map depicts clearly the plans and information required (by Section 7A.4) for the proposed site condominiums. He assured that the development would not be an imposition or nuisance to the neighbors, but that it is compatible and harmonious with the area. Schipper also informed the PC that the infrastructure and utilities and road are already in.

Delores Kaupa, 1332 Blue Star Highway, asked if Karaus owned the property behind the twelve (12) units. Schipper responded that Karaus had owned it, but the property has been sold.

Bob King, P.O. Box 96, Glenn, stated that he owns property nearby and proceeded to comment how the private road (off of Blue Star Hwy.) went in just before the private road ordinance was passed and is three (3) feet from the property line. He then asked for clarification regarding the sign out by Blue Star Hwy. indicating that certain lots (the back, western-most lots) have been sold already. King stated that it appears as though Karaus wants to split the parcels further. He contends that the roadside for-sale map illustration is different than the survey map issued to the township, hence it appears as though the public and PC are being shown two (2) different situations.

Schipper replied that the land division act allows the developer to split off a certain number of lots without getting approval for a PUD or plat. Karaus sold last year the maximum number of lots that he was allowed to split by the land division act, seven (7), using the proceeds to fund the site condominium. Schipper assured King that the front lots for the PUD have not been sold yet (not allowed).

Delores Kaupa, 1332 Blue Star Hwy., asked what kind of homes would be built. Schipper replied that there would be free-standing residences on each unit lot, and even though Karaus cannot dictate the exact design of each home, control will be retained over what is built, with Karaus approving architectural plans and deciding which contractors are acceptable. The houses will be of good quality construction and meet certain minimum size requirements, be compatible with each other, and be attractive. Schipper further assured that there will be restrictions limiting tree cutting.

Bob King, P.O. Box 96, Glenn, asked what “potential commercial use” means and who determines the use, referring to the earlier report that three (3) of the twelve (12) units could potentially be sold for commercial use. Schipper responded that Karaus has no control over these three (3) units’ use—commercial or residential—because the land is zoned commercial.

Jerry Schorle, 2152 68th St., commented that the road was built to the required specifications and that it is a beautiful, wooded development with a pond.

There were no further public comments and Chairman **Gooding** closed the public hearing at 7:14 PM.

PUBLIC COMMENTS

Michael O'Connor, 6635 118th Ave., asked what the status is of the public hearing for the Master Plan and if it has been scheduled. He also reported that the Master Plan is available on the township's Web site now. Gooding responded that the public hearing will be during February's regular meeting on the 27th, and Smalley added that the first public notice goes out February 1. **Birkes** reminded all that the Master Plan that is on the Web site is still a draft, and that there may be some errors.

Delores Kaupa, 1332 Blue Star Hwy., asked if all of the Ganges Township tax payers get a notice for the (Glenn Oaks) PUD final approval. Smalley explained to her that only those who live within 300 ft. of the involved property get notices.

Rob Soltysiak, 6322 113th Ave., asked if there had been any responses from Allegan County or any of the surrounding townships regarding the Master Plan draft. **Gooding** stated that the PC had received correspondence from Allegan County and Saugatuck Township but that it was not mandatory for the townships to reply. Soltysiak then asked if they were available to the public, to which **Birkes** stated that they had already been made public at past meetings upon receipt of them.

CORRESPONDENCE

Letter dated January 17, 2007, from John L. Geiger to Cindy Yonkers, township clerk, expressing support for the Glenn Oaks development. As a professional civil engineer, Geiger states that he has observed the careful planning of the road to maximize the wooded area, that the development overall will support the natural and native habitat, and the lots are nicely sized for quality homes. Geiger feels that the developer showed much care and diligence, with no massive excavations or earth fills occurring, and states that the development will support local revenues.

Letter dated January 10, 2007, from Dr. Frank and Jan Alfieri to **Birkes** complimenting the PC on a well-designed and comprehensive ordinance (PUD). They expressed the concern that wetlands should not be part of the open space, however, and support lower density zoning.

Electronic mail dated January 9, 2007, from Erin Fuller to **Birkes** confirming attending the January 23 PC meeting agenda to present and discuss the Black River project.

Letter dated January 16, 2007, from Dave and Maryellen Olson to Yonkers supporting PC approval of the Glenn Oaks development, pointing out that few trees have been removed and a large pond provides for wildlife, enjoyment for owners, and an emergency resource for the fire department. They feel that the development is superior to many, being planned in a thoughtful way and respectful of neighbors, and that it will enhance the ambience of Glenn.

BLACK RIVER PROJECT—ERIN FULLER

Erin Fuller, with the Van Buren Conservation District, introduced the Black River watershed project (BRWP) to the PC and public. She explained that it is a federally funded project that is now in its 3-year implementation phase (April 2006 to March 2009) after being in the planning phase for two (2) years. Fuller displayed a map of the area that is covered by the watershed, explaining that half of it is in Van Buren County and the other half is in Allegan County, with a good part of

Ganges Township lying within it. She stressed that what happens in the watershed has a high potential to impact the township's water quality. Fuller listed the three (3) main things being done in the implementation phase:

- On-the-ground restoration work, doing river restoration
- Outreach and education, with upcoming workshops targeting local decision-makers
- Land use planning and land protection

The workshops are:

- ❖ Filling the Gaps: Local Government's Important Role in Environmental Protection
- ❖ Low-Impact Development: Designing for the Future—offering techniques to use to decrease the impact on the environment as developers come into the community
- ❖ Landscaping for Water Quality
- ❖ Wetlands 101

Fuller then informed the PC that the BRWP will be distributing grant money of \$19,000 each to four (4) communities for planning and zoning assistance. The assistance includes reviewing the community's Master Plan and ZO, assessing how

well it is doing at protecting its natural resources, and providing a build-out analysis. She stated that official letters will go out to the municipalities in approximately two (2) weeks, soliciting letters of interest.

Fuller handed out brochures and **Soltysiak** mentioned that the BRWP's management plan is on its Web site.

ADMINISTRATIVE UPDATE

Ganges Township Board

Trustee **Looman**, liaison, informed the PC that the blackboards had not been saved as previously thought, nor is the Board in favor of using blackboards. He handed out an illustration of two (2) mobile dry-erase easels that can be used as flip charts as well, stating that the Board is considering purchasing them. Gooding inquired about a rack system to put maps in; Looman stated that the Board has forgotten about it, and that he will pursue it.

Zoning Board of Appeals (ZBA)

Gooding, liaison, reported that no meetings had taken place.

Zoning Administrator Report

Smalley, ZA, reported that she received a quarterly mineral mining report each from Dan Ciesla and Matt Daly.

BUSINESS SESSION

Agenda Approval

Gooding requested to add the 2006 annual summary report, which needed to be approved before being submitted to the Board. It was designated as number 1 under *NEW BUSINESS*, with the other two (2) topics moving down one number. **Birkes** moved to approve the January 23, 2007, agenda as presented with one addition; **Looman** supported; motion carried.

Approval of Prior Minutes

Soltysiak moved to approve the December 20, 2006, regular PC meeting minutes as written; **DeZwaan** supported; motion carried.

Preliminary Site Plan Review—Glenn Oaks PUD

The site plan review began with numerous questions presented to Karaus and Schipper by the PC, with the following responses/clarifications listed below:

- Units 5 and 6 have pre-existing houses on them, owned by Karaus, Jr.
- A road maintenance agreement has been recorded that covers the road in the back of the large parcel; the site condo association will take over that responsibility in the future.
- The listed 1.56 acres for unit 7's lot size excludes the road right-of-way (of the private road).
- One of the already existing buildings along Blue Star Hwy. does not meet the current minimum setback.
- Units 4 and 8 will remain residential even though the front parts of them are zoned commercial.
- There has been no final approval yet by the health department regarding if the sites perk; preliminary information has been submitted by DJ Associates and soil analyses are being done.
- Each unit will have its own well and septic.
- Required documentation for the storm drainage system has been filed.
- Approval for the land splits in the back was received in 2004.
- The purpose of the PUD in the front (per Schipper) was because no other splits are allowed because the land division act limits the number of divisions one is allowed based on the size of the current parcel, as of March 1997.
- Unit 1 had originally been designated as parcel 8, part of the land division, but there were more splits than the law allowed, so it is part of the PUD parcel now.
- Unit 7 is the only parcel that is commercial and fronts the private road. Per the private road ordinance, lots on a private road can only be used for residential purposes. Should someone want to have a commercial venture on unit 7 in the future, options could be investigated by the owner.
- Unit 7 has only 136 ft. of frontage along Blue Star Hwy.—the ZO requires a minimum of 150 ft.
- The situation of land ownership between DJ Associates and Roman and Irina Dudnik was explained; the developer legally owns the land of unit 6, with no legal obligations to anyone, and Ganges Township is satisfied with the settlement of the situation.
- The private road is technically a nonconforming road because it is too close to a property line; it was built before the private road ordinance and is "pretty close" to current county standards.
- The neighbor south of the PUD site wants to purchase a "buffer" strip of land just south of the private road and west of Blue Star Hwy.
- The pond is a retention pond and it will be aerated and have a dry hydrant for fire department use.

- No outbuildings will be allowed.
- The houses will have their own “open space” around them with a natural buffer between each other versus clustering the houses and having one (1) larger open space.

The PC responded with the following comments:

- Karaus should know what each unit will be used for (in reference to a unit being commercial or residential)—a PUD is **planned**.
- Several PC members contend that this PUD is a means to get more splits than what would be allowed under the land division act, significantly benefiting the developer. **Howard** and **Birkes** recommended that more PUD features, i.e., “redeeming qualities,” be required:
 - larger lots
 - more common areas
 - more common facilities
 - more community features
- **Soltysiak** would like to see written documentation that the Board is satisfied with the past land splits.
- **DeZwaan** contends that unit 7 is nonconforming for commercial development because it does not have the 150 ft. frontage and it has the existing private road on it. **Reimink** offered that this unit could be an open or common space. **Howard** suggested moving its northern border further north by a minimum of 14 ft. to make it compliant with the frontage requirement. And some PC members recognized that it might be safer to have a drive off of the private road should unit 7 be commercial, but still advocated the 150 ft. minimum frontage for the lot.
- **Gooding** stated that the development is well laid out and has character and that it is an asset to the community.
- **Reimink** warned that other PUDs in the past that were approved have turned into something completely different after being perked, and that more will be known after the health department has perked it.

In conclusion, **Birkes** will send a letter to DJ Associates with the following issues of concern and recommendations, with:

- The PC to get confirmation that the township Board is satisfied that the past land splits and land ownership are cleared.
- Karaus to present to the PC copies of the site condo bylaws and covenants.
- Karaus to present to the PC a copy of the private road maintenance agreement.
- Karaus to explain to the PC how unit 7 will be made suitable for commercial use regarding the 150 ft. frontage requirement and where its access will be.
- The PC to confirm from the attorney whether the private road amendment applies to this PUD.
- The PC to determine the validity of characterizing units 6, 7, and 8 as either commercial or residential.

OLD BUSINESS

PUD Ordinance

The PC will continue with its review of the ordinance on Tuesday, January 30, 2007.

Master Plan Development

The public hearing will be held on February 27, 2007, with the first of two (2) public notices being in the February 1 newspaper. The Master Plan draft is available to the public online, text only (no maps).

Gooding relayed the township clerk’s concern that the maps are too small to read, only McKenna Associates can make changes, and the disk only allows printing of the Master Plan on one side of the paper. **Birkes** reminded everyone that what is available to the public at this time is a rough draft. He stated that Yonkers received the Master Plan in a PDF form, which cannot be modified, but once the final draft is approved, McKenna will send the township a PDF version to print out copies for the public and a Word version that will allow officials to make changes. **Birkes** also informed **Gooding** that this rough draft disk has not been formatted yet, but will be after final approval of the plan, allowing printing to be done on both sides of a page.

DeZwaan recommended having larger maps on display in the hall for the public to view during the hearing. **Gooding** will check with the clerk regarding acquiring the larger maps.

Birkes reported that he did get a response from the gas company. The company can not give out updated information because it would violate Homeland Security regulations.

Conditional Rezoning Amendment

Howard and **DeZwaan** questioned Section 5B.3 of the amendment draft, which states that the condition runs “with the land and is binding upon successor owners of the land.” They had understood that this type of zoning goes with the owner versus with the land. **Reimink** agreed, stating that it appeared no different than regular rezoning.

Soltysiak explained that it is more like a form-based zoning as opposed to spot zoning, that it is like a use variance but with many more parameters allowed, and that it would preclude the need for spot zoning. **Birkes** concurred, explaining further that conditional zoning is more specific than spot zoning, that being conditional will not allow a commercial use to change from being a florist initially to being a gas station later.

The PC proceeded through the rest of the draft amendment, and other sections were discussed and points made:

- ❖ **Birkes** acknowledged that conditional rezoning makes spot zoning more acceptable.
- ❖ **Howard** pointed out that the PC will have a lot of judgment in determining the extent of specificity, setting up a natural tension between them and the applicant.
- ❖ **Soltysiak** and **Birkes** stressed that the uses need to be very specific and very restrictive, making this the difference between conditional and spot zoning.

Birkes will send the following inquiries to the township attorney:

- Why the inconsistency regarding the PC and Board involvement (page 3, last sentence of Section 4)?
- What is the purpose/meaning of Section 5B.7 (page 4)?
- What is the attorney's understanding of the difference between this zoning and spot zoning—does this legitimize/legalize spot zoning?

NEW BUSINESS

Annual Summary Report

Looman recommended adding to the list of accomplishments the training sessions and courses that PC members have attended; **Gooding** will follow up.

Election of Officers

Looman moved to retain the current officers; **Howard** supported. Discussion ensued, with **Reimink** deferring the vice-chair position. **Birkes** suggested that it is beneficial for others to experience the offices, and **DeZwaan** agreed to take over **Reimink's** position. **Looman** amended the motion, that **DeZwaan** will take over the vice-chair position, with **Gooding** retaining the chair and **Birkes** remaining secretary; **Howard** supported. The motion passed 7:0 with a roll call vote: **Looman**—yes; **Reimink**—yes; **Howard**—yes; **Gooding**—yes; **Birkes**—yes; **Soltysiak**—yes; **DeZwaan**—yes.

Other Business

Reimink asked if the zoning map were done. **Gooding** responded that the map is accurate except the tax assessor's records are not up to date. **DeZwaan** stated that it is an ongoing process and that changes will be made accordingly; the PC and assessor will share any future information with each other.

Land Divisions

None.

Future Meetings Schedule

A PC special meeting is scheduled for Tuesday, January 30, 2007, and the regular meeting for Tuesday, February 27, 2007.

PUBLIC COMMENTS

Bob Johnson, 2295 Lakeshore Dr., stated that the new public address system is nice, but it does not work well for the audience, and suggested that the PC have the public use the microphone when speaking. He also commented that it is difficult to see any of the presentations that are placed on the easel.

ADJOURNMENT

Looman moved to adjourn; **Howard** supported; motion carried unanimously. Meeting adjourned at 10:03 PM.

Respectfully submitted,
Elaine I. Troehler
Ganges Township Recording Secretary