

Ganges Township Planning Commission
Regular Monthly Meeting Minutes for November 26, 2019
Ganges Township Hall
119th Avenue and 64th Street
Fennville, MI, Allegan County

I. Call to Order and Roll Call

Chair **DeZwaan** called the meeting to order at 7:00 PM.

Roll Call: Chair: Jackie **DeZwaan** — Present
Secretary: Phil **Badra** — Present
Vice-Chair: Charlie **Hancock** — Present
Commissioner: Dale **Pierson** — Present
Commission Trustee: Barry **Gooding** — Present
Zoning Administrator: Tasha **Smalley** — Absent

II. Additions to the agenda and adoption

A motion was made by **Badra** to add the Morse Private Road Agreement review to the agenda, under Old Business, before the Cell Tower discussion; and to move the New Business discussion of General Retail before discussing Old Business. The motion was seconded by **Hancock**. Motion passed.

III. General Public Comment

Franklin D. asked if there are any septic and or parking provisions for retail uses. **DeZwaan** explained that the Allegan County Health Department (ACHD) regulates septic systems. The Planning Commission (PC) would approve Special Land Use (SLU) or Commercial Site Plan if all of the requirements are met; i.e. parking spaces, lighting, landscaping, etc. **Badra** explained that tonight’s discussion was only for clarification on Section 8.02 Table of uses, specifically what commercial uses were restricted to the General Retail size limitation of 2500 sq. ft.

Don **Doggendorf** - 6780 116th Ave. asked if the property had been purchased by the developer yet. DeZwaan replied that the November 05, 2019 letter from Milanowski & Englert states that they have an “option to purchase the 4.06 parcel at the southwest corner of Foster Land and Blue

Star Highway... [with] the intent to develop the aforementioned parcel with a general retail type facility”.

Tyler **Voorhees** – 1473 70th St. asked how someone would go about changing the size restriction. **DeZwaan** explained that the Ganges Township Master Plan is the vision of the Township and the guideline for the zoning regulations. **Badra** added that a public hearing would be required to amend the zoning ordinance.

Charles **Heffner** – 1395 Blue Star Hwy. asked if the 2500 sq. ft. limitation was only for commercial uses or did it apply to residential mixed uses too. **DeZwaan** stated that a lot of the permitted uses fall under the general retail category. Some of those uses would require a SLU in addition to site plan approval.

Sarah **Cullen** - 6952 Lakeshore Ct. asked where she could get a copy of the letter from Milanowski & Englert. **DeZwaan** replied that a Freedom of Information Act (FOIA) form should be sent to the Township Clerk to request that information.

Don **Karaus** – 1672 70th St. voiced his opinion, in favor of this type of development; and agreed with the developer that other commercial uses, like a Grocery Store or Pharmacy, were not clearly defined to fall under the General Retail size limitation. He also stated that he has a vested interest, as an adjacent property owner, and would welcome a store like Dollar General.

Sarah **Doezema** – 7211 Peach Ave voiced her opposition to any type of commercial development of the parcel in question, believing that it would diminish the town of Glenn. As a local business owner of Red on Blue Woodworking who has also recently built a home in the area she thinks this kind of development would diminish the value and beauty of her property. Mike **Pcolinski** – 7112 114th Ave. stated that all of the lots on Foster lane have a deed covenant that restricts them from being used for Commercial purposes.

At this point Jason, representing Midwest V LLC, stepped up to reiterate that tonight’s discussion was merely to get some clarification on what uses were included under the general retail size limitation. **Badra** replied that the limitations applied to any Mercantile use, as defined by the Michigan Building Code 2015. **DeZwaan** explained that instead of labeling every use with the size limitation they just placed it as a general designation for retail uses.

Diana **Decker** – 1705 Lake Michigan Dr. reminded everyone that Glenn used to have a dollar store on the corner. **Decker** believes that with an approved site plan the location could look very

nice. **Decker** stated that she believes the Buyers Real Estate agent should have done their due diligence and informed the potential buyers of the deed covenant.

Terese O. – 1402 Adams Rd. [Glenn Store Owner] She has owned the store for 13 years and states that the local population cannot support her business year round. She has to close down for 2-3 months in the winter. In her opinion the community does not need this kind of store two doors down from a School with 60 kids.

Jan **Schroeder** – 6944 Lake Shore Ct. stated that she does not want the size limitation to be increased. She explained that Glenn does not have the infrastructure to support this kind of business and does not want to see the local taxpayers have to pay for sewer upgrades or increased road maintenance. Mark **Ridley** – 6952 Lakeshore Ct. does not want Glenn to lose its rural feeling and small town charm.

Julie **Cowie** - 876 ½ Blue Star Hwy representing Rural Gig, a local wireless broadband internet LLC remarked that she was looking forward to the discussion of small wireless communication towers of 50-100' to provide a broadband internet to small clusters of Ganges Township residents.

Charles **Hefner** – 1395 Blue Star Hwy also stated his concern about the community having to deal with a derelict vacant building if the business failed.

Gary **Hazdina** – 6303 113th Ave stated again that the lot in question was part of the association and subject to the deed restrictions. Ellen **Dietrich** – 1355 Wildflower Ln. asked if developer had looked into the covenants and if the deed restrictions had precedence over zoning regulations. **DeZwaan** explained that would be part of Site Plan Review and is not part of tonight's discussion.

Don **Doggendorf** – questioned when would be the appropriate time for the citizens to voice their concerns?

DeZwaan explained that the if/when an application is received the PC will meet to approve the site plan. This meeting time and date will be posted on the Ganges Township website and at the Township hall. This meeting does not have to be publicly noticed, so any interested parties will have to check the monthly agendas. Even if the community shows opposition to the proposed project the PC cannot deny the applicant due process.

Carol **Josefowicz** – 2334 Lakeshore Dr. commented that the size restriction could be added to each applicable use or a definition of general retail could be added to the text to help clarify the intent.

Kelly **Fox** – 1360 LaRue Ln. wanted to know who had been on site placing flags and staking out the property, and for what purpose. The PC did not have a specific answer as to who.

IV. Correspondence and upcoming meetings/seminars

DeZwaan has the 3rd Quarter report from Top Grade Mining

Two confidential letters from the Ganges Township Attorney

A letter from Milanowski & Englert on behalf of their client Midwest V, LLC

An Email from Jim & Karen O'Donnell voicing their concerns RE: a Dollar Store in Glenn, MI
Morse Private Road Agreement

V. Public Hearing – None

VI. Approval of August 27, 2019 minutes

A motion was made by **Badra** to approve the September 24, 2019 regular meeting minutes, with corrections. **Gooding** seconded the motion. Motion passed

VII. New Business

a. Discussion of General Retail

DeZwaan stated that the Master Plan is the guideline used to establish Zoning Laws. **DeZwaan** explained that when the Master Plan was last updated in 2017 the PC consulted a Planner, a Surveyor, distributed a survey to the residents, and held several meetings where the community voiced their opinions. **Badra** restated that the General Retail use encompassed all of the Mercantile type uses in the Michigan Building Code and that if they disagreed with that answer they could go the Zoning Board of Appeals or the Circuit Court.

Pierson commented that he had not been on the PC when this rule had been established and had himself questioned what was included under the General Retail designation; assuming that grocery and pharmacy would not be included as retail. **Hancock** had searched for definitions of retail, grocery, etc. that would separate one from another but found no delineation between the uses. With all of that being said, none of the PC members saw any reason to change the size restriction.

Gooding found Smalley's memo and the Milanowski & Englert letter to be very deceptive since neither of them specifically mentions that a Dollar General store is being proposed. **DeZwaan** explained again that this was just a general interpretation request for clarification, not an application. **Hancock** wondered if more than one building of Sq. ft. or less could be used.

DeZwaan stated that would not be allowed, either.

VIII. Old Business

a. Morse Private Road Agreement

Badra mentioned that the township attorney had suggested several changes. Along with grammar, tense, and punctuation corrections the attorney would also like wording to be added that the

township will not maintain the road, and that it must be maintained to certain standards or the Township will do so at the owners cost. The attorney also wanted a stipulation that the road can only support four parcels and that no other subdivisions should be allowed. Additionally, the agreement should also state it must be recorded.

Gooding questioned who would pay to maintain the road if owners didn't and what kind of materials it was surfaced with. Pierson stated that he didn't like the wording presented and suggested that they add that the Township will not "normally" maintain the road and also add that the Township "has the authority" to maintain the road if the owners do not. Badra stated that he would send the requested corrections to Smalley so that she could contact the Morse's and have them revise the agreement. Once the corrections have been made the agreement should come back to the PC for final approval.

Badra moved that the Morse Private Road Maintenance Agreement be sent back to have the corrections that the Township attorney *and the PC* requested be made. Motion was seconded by Gooding. *Motion passed.*

b. Discussion of Cell Towers

Badra commented that he had looked into some of the neighboring communities and how they handle wireless communication towers. Lee Township has no zoning, Manlius township does not have a Cell Tower Ordinance, Saugatuck Township's Ordinance is 15 pages long and restricts any towers taller than 30' with a SLU, Clyde Township has restrictions for towers over 35' and Casco Township allows privately owned towers up to 100'.

Badra again referenced the new Small Cell Tower Act PA 365 of 2018 which allows small wireless communication facilities to be placed on utility poles in the road Right Of Way (ROW). **Badra** also stated that Ganges Township cannot discriminate between providers and must require, without exception, a SLU approval for any towers over 75' outside of the ROW's.

DeZwaan wondered if a new list of site plan requirements could be established specifically for the towers, eliminating some of the 37 site plan requirements currently listed. **Pierson** suggested that an initial approval from the PC could be applied to any future tower projects, as long as they were constructed in exactly the same shape, size, and form as the original approval. **Badra** questioned what zoning and permit fees would be required.

Hancock wondered what easement rights would be required to co-locate on someone else's pole.

The **Cowie's** explained that Consumers Energy does have a process where you can apply to locate an antenna on their pole, and the ROW's poles are also available, but these poles may not be in line of sight for Rural Gig's equipment. **Cowie** pointed out that they are not trying to blanket the area with coverage but to discreetly direct their signal to specific areas. Shorter towers are unobtrusive ways to extend the line of sight and get the best client coverage in their immediate vicinity.

Pierson wondered why one larger pole wouldn't be more beneficial than several smaller ones. **Cowie** explained that they can use a 50' pole to service smaller populaces, just as well as a bigger more expensive pole that requires a SLU. **Hancock** asked why they didn't use more of the existing power poles to minimize the need for new towers. **DeZwaan** explained that the **Cowies** were looking for other options.

Badra commented that Clyde Township was working on a new Ordinance to address this issue and would like to see what Smalley was proposing for that jurisdiction. **DeZwaan** wants to get the Township Attorney's opinion as well. **Pierson** has some site plan submission requirements he has developed that he would like to add to the discussion. **DeZwaan** replied that everyone should get their thoughts and ideas together to be compared to **Smally's** draft. **Badra** remind the **Cowie's** that is not a quick process to make zoning text amendments but the PC would deliberate on the topic more at their next scheduled meeting

Cowie questioned whether or not I2K had to go through the SLU approval process for their tower. DeZwaan replied that the information could be FOIA'd through the Township Clerk. The **Cowie's** also questioned if there was any difference between wireless internet vs. cell towers. **Badra** stated that the terms were interchangeable according to the information provided by **Smalley**, reiterating that the Ordinance is silent on any type of commercial tower under 75'.

IX. Administrative Updates

Township Board-

Gooding reported that at the October 8th Township Board meeting, the Board discussed purchasing a 4 wheel drive Crew Cab truck from Woodhams Ford and having it retrofitted by Spencer Manufacturing, a local builder of custom fire apparatus. It was determined to be too cost prohibitive at this time. The board also discussed a parking problem on Cedar St. Renters are just parking wherever they want and the County Road Commission does not want to foot the bill for the installation of no parking signs along the roadside.

Gooding also reported that at the November 12th Township Board meeting, the Board discussed the parking and trespassing problems at Pier Cove Beach. A security fence was supposed to have been installed at the entrance in October but has been postponed till next year. The Township Clerk was asked to determine if the company is still going to honor the original quote. The Fireworks ordinance was also discussed along with possible addition of two new four way stops on 122nd Ave at 66th and 62nd Street. The Board is still reviewing any road projects for 2020.

Zoning Board of Appeals (ZBA)-

Pierson reported that the ZBA had met on October 23 to discuss Carl & Beverly Holt's Request for 14.2 foot of relief from the waterfront setback for a 2nd story addition. The requirement is 40' from the platted property line (essentially the water's edge) to the roof overhang. The Holt's representative, Dave McKellips presented the variance request regarding the subject property at 2205 Hutchins Lk Dr. Parcel# 03-07-460-003-00. After re-

measuring the property it was discovered that the site plan was incorrect and the project would only require 2' of relief from the Ganges Township Waterfront setback variance 6.03A. The variance was approved with two conditions.

The first condition was that a survey would be performed, at four separate points, to confirm the distance between the dwelling and the platted property line (water's edge). The second condition was that the ACHD would perform an evaluation of the existing septic system to confirm that it does meet the project requirements. The Holt's decided to change their construction plans to meet the setback requirements, rather than meet the conditions imposed by the ZBA.

Zoning Administrator – None

X.Future Meetings Dates

The next scheduled date of a PC meeting is January 28th, 2020

XI.General Public Comment

Sue **Poolman** – 7021 114th Ave. made an observation that Ganges Township is mostly Farmland and Residential sub-divisions, wondering why the 500' Commercial corridor on Blue Star Hwy hasn't been rezoned to Res/Ag use. **DeZwaan** explained that the tiered zoning allows residential use. Additionally, the backlash received from the community when the idea to eliminate the commercial zoning was discussed was so intense that they needed a bigger venue for the meetings and a Police Officer on site. Property owners were strongly opposed to losing their Commercial Zoning.

There was also some discussion about lowering the speed limit on Blue Star Hwy, in front of the school, and making it a no passing zone. These concerns were directed towards the County Road Commission. **Gooding** stated that he would bring up these concerns with the road commission, as well.

XII.Adjournment

Motion was made by **Gooding** and supported by **DeZwaan**, to adjourn. Motion carried unanimously. Adjourned at 9:17 PM.

Respectfully Submitted

Jennifer Goodrich

Ganges Township Recording Secretary