

## SAUGATUCK TOWNSHIP PLANNING COMMISSION

April 25, 2004

The Saugatuck Township Planning Commission met on April 25, 2004, at the township hall on Blue Star Highway, Saugatuck, Michigan 49453.

Present: Darpel, Hanson, Jarzembowski, Marczuk, Milauckas, Olendorf and Rausch

Absent: None

Also present: Atty Bultje; Planner Sisson; Z. A. Ellingsen; David Calvano, RomVano LLC, and Jack Barr, Nederveld Associates, for Peach Creek Ravine; Thom Carpenter, Driesenga Associates, for Meckley PUD; Todd Warnock for OxBow; and many members of the public, plus reporters

At 7:07 P.M. Chairman Milauckas called the meeting to order. The minutes for April 18 were approved as amended. Page 2, paragraph 3 should read "Darpel maintained there is still nothing in the ordinance which prohibits someone from cutting trees within the 30 feet beyond the 40' buffer yard after he has obtained site plan approval." Jarzembowski/Rausch.

There being no general public comment, Milauckas opened the public hearing on a request by RomVano LLC to rezone from A-2 to R-2 a strip along the Kalamazoo River opposite Peach Creek Ravine development on River Road for the construction of docks. Secretary Rausch read the notice published in the newspaper, and Milauckas explained that rezoning actions taken by the P.C. are recommendations to the Township Board.

Jack Barr, Nederveld Associates, explained that the docks, which are not permitted in A-2, would be for kayaks and other small river craft. He added that property north of this area is zoned R-2. Responding to questions from Milauckas, Barr stated that river frontage is approximately 320 feet, and these docks would serve the Peach Creek Ravine development of 11 parcels. David Calvano said it is floodplain wetlands and so shallow that the docks would have to be elevated. There is no beach. It was suggested that Hacklander Landing is only 1/2 mile away, where there is parking and small craft could be put into the river, but Barr insisted this is more convenient.

Milauckas read a letter from Theresa Gray and Allen Wolbrink voicing their reservations about whether the docks could be accomplished without significant alteration of the topography and natural wetland.

Milauckas opened the hearing to public comment, and Leach on adjoining property on 64<sup>th</sup> St. said he did not see a problem with this construction. Michael Condron, 3455 Clearbrook Ct., was concerned about the winding road and wondered if people would be walking across the road with their canoes. Calvano said he envisioned that the canoes would be tied up at the docks. He added that he is not allowed to alter the topography there at all, no fill. McGregor Environmental will represent them to DEQ and they must have rezoning first.

Olendorf wondered if the approval of this rezoning might be precedent-setting for other A-2 property, and Milauckas thought perhaps the P.C. should be looking at all such property on the river. Milauckas asked for verification from Atty Bultje on the issue of rezoned property being used for other than the specific purpose of the application. Bultje said a change in law has made it possible, if the applicant is amenable, to grant contract rezoning outside a PUD wherein property used for other than what was proposed shall revert to its originally zoned status.

Dayle Harrison, 3108 62<sup>nd</sup> St., Kalamazoo River Protection Association, said the area in question lies within the Natural River Overlay District and traffic issues might have to be addressed. He said he had no objections.

Judith Schneider, 207 Maple, Saugatuck, said she did not see the need for docks for canoes.

Brendt Sheridan, 6168 Riverside Rd., said he is concerned about this development because the water level can go up and bigger boats could be docked there. He reminded the P. C. of all the discussions about preserving the wetlands along the river.

Gerrit Sturuss, 6377 Old Allegan Rd., agreed with Sheridan and did not see that docks would improve the ability to canoe. He maintained it will be mud by July.

Kathy Roper, 6469 130<sup>th</sup> Ave., wanted assurance that they would not dredge and fill. Calvano said he was willing to abide by that condition. He said he is a homeowner in Peach Creek Ravine.

Olendorf made a motion to close the public portion of the hearing and Hanson supported. The motion carried. Milauckas stated that notice for this hearing was mailed to property owners.

Sisson pointed out Sec. 40-591 c(4) in the Natural Rivers Overlay portion of the Zoning Ordinance docks are permitted, and he said he thought this overcame the A-2 zoning restriction. He mentioned that this would come under the keyhole restrictions. Further discussion of the boundary of the Natural Rivers Overlay District did not seem to render definite delineation.

Darpel made a motion to table this application by RomVano LLC to the May 23rd meeting until the applicant can research whether the property is in the Natural Rivers Overlay District, which would allow them to have docks and other riparian rights as stated in Sec. 40-591c(4). Jarzembowski seconded, and the motion carried. Milauckas said the applicant may notify the township office if they want to withdraw their application.

At 8:00 P.M. Milauckas opened the public hearing on an application by Richard Meckley for a mixed-use residential/commercial PUD on Blue Star Highway and 65<sup>th</sup> St. in the C-1 and R-1 zones. Thirty-four single-family residences on 17 acres and a two-acre commercial development are proposed. Secretary Rausch read the notice published in the newspaper. Milauckas verified that adequate notice has been given to neighboring property owners. He explained that this is the preliminary plan and the P.C. can require another hearing if substantial changes occur with the final plan. It was clarified that the PUD ordinance alone applies, not the Site Condominium ordinance, as stated in the notice.

Thom Carpenter, Driesenga Associates, displayed the plan and explained that the residential condominium portion would be Phase 1 of two phases. There are 1700 linear feet of private road curving around through the property from Blue Star to 65<sup>th</sup> St. Public sanitary sewer and water are available, and Sisson's memo of April 22 suggests extending the sanitary sewer to 65<sup>th</sup> St. for possible future use. Carpenter said they were agreeable to that for final site plan review. He continued with description of retention area for storm water behind the commercial parcel. Uses on the commercial parcel have not been identified yet, but the buildings are designed for offices and parking has been laid out accordingly. He added that a list of acceptable uses will be presented at the final site plan review, and that would be a public hearing. He showed elevations for the residential buildings from which 6 to 8 different models will be constructed.

Rausch brought up neighboring driveway cuts on 65<sup>th</sup> and Blue Star, and Carpenter said he understood the need to have a certain distance between driveway cuts, but they would be shown on the final site plan. The circular drive in front of the commercial buildings was questioned.

Olendorf thought the building designs suggested families and wondered why there were no sidewalks. Carpenter said this was conceived as an empty-nester community and sidewalks require more storm water retention. He agreed that a less impervious surface might be considered if the P.C. wanted walks.

Milauckas opened the hearing to public comment, and Pat Denner, 3455 Clearbrook Ct., was concerned about additional traffic at 65<sup>th</sup>, Blue Star and 135<sup>th</sup> Ave., a potentially dangerous spot.

Jacob Brodbeck, 756 Manchester, owner of Spring Renewal next door, said his concerns were for green space and the impact on his property values. He agreed the volume of traffic on Blue Star was of concern. Milauckas questioned Carpenter about the amount of vegetation that would be disturbed along the southern boundary. Carpenter replied that Meckley wanted to retain trees except for the areas where the homes would be constructed, but he thought a tree survey would be too costly. Harrison said he thought a 30-foot strip of natural vegetation should be maintained all around the site.

Margaret McDermott asked what the distance was between houses, and Carpenter replied a minimum of 30 feet, and he expected to keep trees between houses.

Darpel made a motion to close the public portion, Marczuk seconded and the motion carried.

The Commissioners turned to Sisson's memo, and Sisson suggested that if some of the commercial uses are not office space, more parking might be required. Only 20% of parking is supposed to be in front, according to the ordinance, but Sisson said the P. C. has discretion in a PUD. Olendorf asked if it were possible to put the parking in the rear, and Sisson suggested placing the center commercial building on the other side of the circular drive. Driveway spacing on Blue Star and the circular entrance to the commercial parcel were scrutinized vis a vis the destruction of trees. The 22' road and clearing on either side for utilities was discussed. Marczuk wanted to know the speed limit within the development and whether there would be cautionary signs about bikers on Blue Star. Carpenter agreed 20 mph might be appropriate. A bike path along Blue Star is possible, according to a spokesman for Meckley.

The Commissioners considered the plan in light of Secs. 40-772, the four standards of 40-779, and 40-780e. Hanson made a motion to approve the preliminary plan for Phase I residential portion of the Meckley PUD as being in compliance with Secs. 40-772, 40-779 and 40-780e, with the following conditions:

1. That the developer provide sewer connection to 65<sup>th</sup> St. if feasible;
2. That the existing vegetation be retained in perpetuity in the setbacks, defined as 70' along Blue Star, 30' along the southern boundary, and 40' along 65<sup>th</sup> St.;
3. That the developer provide a plan for pedestrian and bike traffic within the development; and
4. That discussion of Phase II commercial portion be tabled. Rausch seconded and the motion carried unanimously.

Milauckas continued the public hearing of OxBow from the February 28 meeting on a SAU for expansion, tabled for a number of items to be addressed. He invited public comment on new information other than the previously mentioned concerns about the increase of traffic on Park St., difficulty for emergency vehicles, the

hazardous curve/hill area, and parking. He first entered letters from Norman Deam supporting the SAU; from Tracy Shafroth supporting the SAU but requesting the traffic study, an effort to reduce traffic and limit parking at OxBow; from Gordon Gallagher, Saugatuck City Manager, stating that Park St. is a public road, that there is an agreement to split cost with OxBow for guard rail on the dangerous curve, that OxBow has proposed a dialogue with the City towards creating conservation easement for Tallmadge Woods and that OxBow plans show less development than originally presented to the P.C.; a letter from John Breen proposing a traffic study.

Todd Warnock, 623 Shorewood, Chairman of the Board at OxBow, listed the following issues OxBow was asked to address: 1. Acreage is 14.73; 2. 65 parking spaces for a school, but as a lodge it might need a couple more; 3. Park St. public or private, OxBow has no position; 4. City and OxBow agreed to split cost of 300 feet of aesthetic barrier; 5. Fire hydrant sequencing changes and offer for use by neighbors if needed, safety personnel invited to observe summer gatherings to give ideas to improve safety; 6. OxBow meetings with Park St. neighbors agreed to propose that cooperatively with the City “they do a segmented traffic study of Park Street with the objective of defining current traffic levels. The Association (Park St. neighbors) and OxBow also agree to meet after the study to see what they can do toward their objective of decreasing traffic further.” Warnock added that the Art in the Meadow program will be moved to the Saugatuck Center for the Arts to reduce daily traffic. He provided occupancy statistics as follows: maximum at full capacity before expansion = 108, after = 125, a 15% increase. He believed there will actually be a decrease in numbers driving to and fro.

Milauckas read letters from R. J. Peterson and Bob and Bobby Gaunt supporting OxBow and asking for a resolution of the Park St. issues and another letter from Atty Randal Schipper representing a number of owners along Park St. who do not accept the decision that Park St. is a public road. John Breen’s letters were mentioned as well, and Milauckas asked him to speak. Breen, who represents some of the Park St. neighbors, said as a result of last night’s meeting he had a better feeling about the cooperation with OxBow. He said the neighbors hired a traffic engineer, who after analyzing the situation on Park St., said he thought the neighbors had good reason for concern and suggested that no additional development be allowed until a traffic study is done. He said the neighbors and OxBow are agreed that there should be a traffic study, although it should not preempt the approval this evening, but that it be incorporated as a condition for approval of the SAU, as is allowed in Sec. 40-693c.

James Brandess thought it was not fair to apply the same standards to OxBow as you do to an expansion of a house. Atty Bultje pointed out that OxBow needs a SAU, whereas houses do not.

Judith Schneider, 207 Maple, supported OxBow as a benefit to the community and said the people who have built the large houses on Park St. knew what was there when they moved there.

Steve Capillo, 860 Park St., said although he supports OxBow, he thought the occupancy numbers were incomplete: 77 beds before expansion, 109 beds after = 41% increase, a number not mentioned anywhere. He wanted to know how a 41% increase in bodies became only a 15% increase in traffic.

Pat Dewey, 579 Mason, on the Auxiliary Board of OxBow, said she thought the problem is there seems to be a conflict between public interests and private interests. To satisfy private interests OxBow has given up Art in the Meadow to the SCA, cut free Friday night open houses in half, and curtailed commuter enrollment.

Ellen Sproul, 344 Water, Douglas, said she has been a student and teacher at OxBow and she carools now but thinks it would be great to stay at OxBow, which would be possible with the expansion. This would result in more cars on campus, but less back and forth traffic.

Karen Dunn, 1045 Park St., asked if this is a site plan review, and Milauckas said “no.”

Breen said Park St. is the only street in the City of Saugatuck which is “property split.”

Milauckas asked Warnock to respond to the question Capillo raised earlier. He said “more bodies, less traffic” would be a result of accommodation for overnight stay, and he repeated that moving successful programs into the SCA and using a van which will be purchased by the SCA and OxBow together to transport students to OxBow will decrease traffic.

Sisson said if OxBow is thought of as a school, only 48 parking spaces are required, but if it is a lodge, 79 would be recommended for 100% occupancy. It has 64, which does not accommodate special events. Bultje said the P.C. did not need to be concerned with the private road ordinances, but he asked if fire protection issues raised in his March memo had been answered, and was told they had. It was recommended that OxBow secure a letter from the Fire Chief to that effect, however. John Rossi, Holland, affiliated with OxBow, supplied the P. C. with a list of requirements from the Fire department, and said they were currently in the process of complying with them. Bultje asked if snow removal is an issue, and was told the street is plowed in winter. Bultje said his main concern is to protect the township from liability and he wanted a statement from a traffic study that the road can accommodate this expansion. He did not want an approval of the SAU to be effective until that is accomplished.

Milauckas led the P.C. through the standards for granting SAU. Olendorf made a motion to approve the SAU for OxBow, based on the standards of Sec. 40-693b with the following conditions:

1. That a letter be secured from the Fire Chief stating the site is accessible by emergency vehicles;
2. That there be a site plan review and approval;
3. That there be compliance with all the applications and narratives submitted today;
4. That there be compliance with Sisson’s memos of February 25 and April 22; and
5. That a traffic study is made which concludes that the road is adequate from a public safety standpoint to meet the demands of the expansion. Milauckas seconded, and a roll call vote produced unanimous approval. In discussion before the vote, Bultje explained that OxBow is a use which is grandfathered, but if the township goes on record to approve a SAU for expansion of that use and the road is inadequate to support the traffic that expansion produces, the township is liable in the case of an accident on that road. He added that if the road is found to be inadequate, the applicant should come back to the township with a plan to address that issue. Milauckas made it clear that the project cannot go forward until after the traffic study is done this summer.

An adjustment to the agenda was made because there was not enough time to handle all the items: Timberline, Indian Point and Klemm were postponed to a special meeting set for Wednesday, April 27 at 7:00 P.M.

Milauckas asked Atty Bultje and Planner Sisson about some possible rezoning issues: why the A-2 in section 23 on the River should not be R-2, why there is an Interstate Transportation Overlay District at Exit 41 which stretches rather far south into the residential zone, and what kind of zoning could be applied to the Dennison property in light of its possible development. He added that “green-space preserved” is a new category in the

Comprehensive Plan. Sisson said it should be rezoned at the least density allowed, and perhaps a new Zoning District is necessary. There was consensus that Sisson and Bultje recommend solutions to these questions.

The Commissioners reviewed the changes to the Tri-Community Comprehensive Plan. Hanson and Marczuk read the Resolution of Adoption of Tri-Community Comprehensive Plan aloud. Olendorf made a motion to adopt the resolution, Jarzembowski seconded, and the P.C. approved it unanimously in a roll call vote.

Meeting adjourned at 11:20 P.M. A special meeting will be Wednesday, April 27, at 7:00 P.M. The next workshop meeting is Tuesday, May10, at 6:30 P.M. The next regular meeting is May 23 at 7:00 P. M.

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Betty A. White, Recording Secretary

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Sandy Rausch, Secretary

**MOTIONS**

1. Motion by Jarzembowski/Rausch to approve amended minutes for April18 workshop.
2. Motion by Olendorf/Hanson to close public portion of hearing on rezoning from A-2 to R-2 for RomVano.
3. Motion by Darpel/Jarzembowski to table rezoning until RomVano can research Natural Rivers Overlay.
4. Motion by Darpel/Marczuk to close public portion of hearing on Meckley mixed-use PUD on Blue Star.
5. Motion by Hanson/Rausch to approve preliminary PUD for Phase I residential of Meckley, with conditions and table commercial Phase II.
6. Motion by Olendorf/Milauckas to approve SAU for OxBow expansion with conditions, one being traffic study which concludes Park St. is adequate for expansion.
7. Motion by Olendorf/Jarzembowski to adopt resolution approving Tri-Community Comprehensive Plan as amended.