

## SAUGATUCK TOWNSHIP PLANNING COMMISSION

May 23, 2005

The Saugatuck Township Planning Commission met on May 23, 2005, at the township hall on Blue Star Highway, Saugatuck, Michigan 49453.

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

Absent: None

Also present: Planner Sisson, Z. A. Ellingsen, Gregg Raad for Peach Creek Ravines, Rob Joon for Patel Investments, Terry Stewart, Jeff Vos and Jeff Klemm for Maxwell Development, various members of the general public and reporters.

At 7:06 P. M. Chairman Milauckas called the meeting to order. The May 16 minutes were approved as presented in a motion by Olendorf, seconded by Jarzembowski.

There being no public comment on general topics, Milauckas introduced Gregg Raad, who represented RomVano LLC on the continued subject (April 25 hearing) of rezoning from A-2 to R-2 of an area across from Peach Creek Ravines on Riverside Drive. Milauckas explained that the area was found to not be in the Natural River Overlay; therefore, the docks requested are not allowed without rezoning. Raad reiterated the request for rezoning and said it made sense for the whole triangular area to be R-2. He noted that the applicant would have to come back for SAU for the docks in the event of rezoning to R-2. Olendorf asked if it were not for the docks, would the applicant care if it were rezoned to R-2, and Raad admitted that he would not. Hanson said the developer of Peach Creek Ravines is in violation of the ordinance because there is no stop sign at the entrance to Riverside Drive. The Commissioners discussed the fact that west of the parcel in question is in the flood plain, and east of it there are perhaps three residences which Hanson thought were in the Natural River Overlay.

Milauckas read the seven questions to be considered in rezoning. Milauckas asked how many docks were contemplated, and Raad said that was not decided, although 14-16 had been advertised. Darpel asked if a boardwalk, rather than docks, could be constructed, and Raad said the DEQ might approve that. Sisson suggested "contract" rezoning, if the developer applies for it. Hanson listed a few of his concerns: the natural pristine quality of the area should be maintained, it is typically A-2, security would be difficult because docks would be attractive to passersby, carrying kayaks across the road or parking along the road will be dangerous because it is a 55 mph zone, Hacklander's river access is 1/2 mile away, A-2 zone is being slowly reduced and the Commission should decide what it is to be. Ellingsen said these docks would be considered a "marina." Olendorf said no other resident of that area has come to request rezoning, and he didn't think it made sense to tether kayaks and canoes to a dock. Darpel suggested that there is a lot of property nearby which will probably be developed in the future, and he wondered what effect rezoning would have on that. Milauckas said it's usually assumed that if you own riverfront property, you can put in docks and use it for boating. Sisson insisted they focus on why this section is different from the other R-2 pieces in the township. Marczuk wondered if the Natural Rivers Overlay District could be extended.

Darpel made a motion to table the rezoning of this piece until the Commission can study the issue of rezoning the whole A-2 area there along the river north of Riverside Drive. Rausch seconded and the motion carried.

Milauckas announced a public hearing for a rezoning from A-2 to R-1 of Section 21 south of Wiley Road, northwest of I-196, for a housing development by Maxwell Development, which would lie partly in Douglas and partly in Saugatuck Township. Secretary Rausch read the notice published in the newspaper, and Milauckas stated that proper written notice had been sent to neighboring property owners. Jeff Vos, Infrastructure C& E, displayed the plan and stated that the development encompassed 53 acres, 35 of which are in the township. The northern smaller portion lying in Douglas is zoned residential and allows for 15,000 s.f. lots. The township portion had been used as a research orchard for Michigan State University and has not been used as a successful revenue-generating agricultural facility. Public water and sewer will be available.

Hanson and Milauckas discussed the possibility of a PUD with rural open space on this property. It was assumed that the developer wanted more lots than are available with PUD: 19 with 2-1/2 acre lots and 40% bonus vs. 46 with 20,000 s.f. and 100 foot frontage. Jeff Klemm stated that this portion is separated from other A-2 township property by I-196. He added that after the sale of the property in 1995 the research in fruit pests was discontinued, and the orchard has been neglected. Any efforts to sow it in soybeans, for instance, might be offensive to neighboring residential property owners. Olendorf asked about residual chemical contamination, and Klemm said that many years ago when it was a producing orchard, pesticides with arsenic and lead were commonly used. However, in 1997 Phase 1 testing on chemical use during the time it was a research facility came back clean, but no soil borings were made. Klemm said a contingency has been discussed about mitigation for contamination. Klemm continued through the seven points to consider for rezoning, pointing out that these lots would be developed in medium-priced homes.

When Milauckas opened the hearing to public comment, Kenneth Kutzel, 419 Harbor Lake Drive, Douglas, asked about the status of the property between this and a pond, if the trees would be cut down. Klemm said they did not own that property. Kutzel continued by stating that he and his neighbors were concerned about density and that the south side of Wiley Rd. was beginning to look like the "bad side" of town. He wondered what kinds of homes would be allowed, double-wides? Milauckas replied that if rezoning goes through, anything allowed in R-1 could go there, not necessarily what is shown on this plan. Klemm explained that they would be single-family ranches or two-story homes in the range of \$225,000 and up. Kutzel asked what testing had been done and referred to a slick on the lake every year.

Sam Ferlin, 421 Harbor Lake, said he has picked up barrels dumped there.

Tim Dykema, Douglas, said this is similar to what was recently approved in Douglas across Wiley Rd. above Schultz Park where there was a cow pasture: 1/3 acre, same price plan and similar sized homes. Most of the nearby areas are R-2 or R-5, density goes higher with number. At Mirro, EPA commended the developer for berming up the contamination, capping it with 6-8 inches of soil, and leaving it unused through a deed restriction. Jarzembowski said we should not be so blasé as to say that berming up environmental problems and capping with 6-8" is sufficient.

John Wallace, Zoning Administrator for City of Douglas, asked if this project had been presented to Douglas yet and encouraged the developer to come into the office to look into access issues.

Rausch made a motion to close the public portion of the hearing, Jarzembowski seconded, and the motion carried.

Sisson asked if there were frontage on the street and if there is another access as well. Klemm said yes to 129<sup>th</sup> Ave. Milauckas said as far as future land use goes, this lies in medium to high density. Marczuk asked about how the school children would be picked up, and Klemm said they envisioned a shelter. He would like to see the bus come into the development, but perhaps in Phase 2 they might open access to 129<sup>th</sup> Ave. so the bus wouldn't have to turn around at a cul-de-sac.

Milauckas read a letter from Ron Gorsica, 2922 65<sup>th</sup> St., who is concerned about the density, the increase of traffic on Wiley Rd., whether improvements will be made to that road and a traffic light placed at Blue Star and whether the trees will be cut down.

Olendorf made a motion to table the rezoning to the next meeting until the Commissioners can walk the property, review the request and all the issues brought up, and reconsider this application at the next meeting. Rausch seconded, and the motion carried.

After a brief recess, the meeting continued with Indian Point final PUD and site plan review from the April 27 hearing. Bob Muusse presented the same plan dated 5/05/05 with different notes and said new documents had been drawn up, including a road maintenance agreement. He said he brought along the initial agreement for maintenance of Silver Lake Drive, and he agreed to add his 18-unit site condo as one full share in maintenance and to repair any damage done during his construction. Further, he said the homeowners association of the site condo would take the lead in management of the roads since the present arrangement did not seem to be working. As far as the two-track for septic maintenance goes, he said he would apply gravel as the health department required, but he would prefer it be left natural. Muusse stated that the open space would remain as such unless the homeowners association decided to come to the Planning Commission to build some sort of recreation facilities. Hanson said the Planning Commission wanted a document saying that the open space would be preserved. Sisson said the PUD seems to have covered all the issues, but the documents perhaps still do not say what the P.C. wants.

Milauckas opened the discussion to public comment, and Linda Salisbury, 6364 Silver Lake Drive, said she and Muusse agreed that it would be better for his project to enter into the current agreement on the road maintenance rather than try to get 39 signatures. She pointed out that this plan is not the same as the April plan. The septic fields are 50 feet closer to the river than they were on the April plan. Judging from where the water level was five years ago when the Allegan dam was opened, she said some of the septic fields on the lower level would be under water if the dam were opened again. Also the legal documents Muusse gave her were different from the ones filed with the township Thursday. She listed all the lack of protections previously asked for. Muusse said for each unit built, the health department would have to approve the separation of septic from well.

Fred Schubkegel, Kalamazoo, asked to speak, and Muusse objected because he is not a resident and will not say whom he represents. Milauckas reminded him that the P. C. needs all the information it can get and it would have been misled if it had not been pointed out that this plan is different from the April one, which Muusse assured them was the same. Muusse had no more objections. Schubkegel said the memo from Sisson about preserving natural areas has not been followed. Parcel A is outside the condo and therefore is not restricted by the condo documents. Trees should not be cut down unless conditions exist which are covered by the proposed Tree Preservation Ordinance. A better way to preserve the open space is not to intimate that anything can be built there. The original plan given preliminary approval had a "preservation" area, which now has a road and septic field. The road extension seems to suggest that more development is contemplated. He summed up by saying this is so different as to necessitate starting over.

Sisson agreed to work with the developer. He thought the PUD issue of open space and possible restrictions on Parcel A still need a solution. He agreed with Muusse that the septic fields and their maintenance are left up to the health department. Olendorf asked if a community septic system might solve some of the problems. Muusse said it would require the destruction of a lot of trees.

Hanson made a motion to table to the next meeting final approval on Indian Point until the applicant can (1) pursue solving health department issues without employing the 12' gravel drive along the river; (2) work with the planner to craft some restrictions on Parcel A beyond what would apply to a single-family home, such as restrictions on tree-cutting which should be the same as for the site condo; (3) work with the planner on preservation easement language consistent with the 10/25/04 preliminary plan approval; (4) present a plan that accurately resolves the differences noted by Linda Salisbury between the April and May plans; (5) remove any references to possible future recreational facilities or any other use of the open space; (6) and solve any other issues Planner Sisson finds necessary. The motion was seconded by Marczuk and carried.

Milauckas introduced an informal discussion on Patel Investments' proposed automobile service station, restaurant and motel on three lots at the northeast corner of Exit 36. Water and sewer would be run from the Americinn Motel. The applicant asked for direction as to whether a service station would be allowed and whether he could proceed. Sisson pointed out that only lot 1 has access to Blue Star Highway, and he preferred an overall site plan, such as a PUD with landscaping and parking plans, etc. Patel said he would build in phases. Milauckas said only the gas station would require SAU, and the applicant agreed that it would be the pivotal part of this plan. Hanson said buffers should be restored and/or maintained, according to the Tri-community Plan. Milauckas reviewed the proposed ordinances which are being enacted and encouraged the applicant to examine them closely because this property is the entrance to the community.

Another informal review began on Terry Stewart's office building plan for property between Paramount Tool and Vinyl Palette on Blue Star Highway. Stewart said he has paid for a site plan review and a variance and he has engaged an architect, but the plan is not complete. Tim Dykema explained this is in a C-2 mixed-use overlay zone, and the lot is nonconforming with 100 feet of frontage. Variances will be necessary if trees on the north side of Paramount Tool could be considered the buffer so the parking could come up to the property line on that side and if parking space numbers could be reduced slightly. Two small commercial office buildings are proposed, one behind the other, two tenants per building. Sisson brought up the fact that the driveway may be dictated by where the drive across the street is located. Dykema said a shared drive with the property to the north (Vinyl Palette) would be an option. Milauckas suggested more vegetation in the entrance area, and Olendorf asked the applicant to try for a more innovative design without a flat roof and to consult with members of the historical society for suggestions about style. Dykema asked for advice on whether to go to the ZBA first, and Milauckas said he would have to know whether he is going to have to have a buffer first. He referred Dykema to Jeff Klemm and his recent experience with the ZBA.

After another brief recess, the Commissioners moved on to the final drafts of proposed Zoning Ordinance Amendments. Sisson said he added a section in the Signs ordinance to cover the R-3B Lakeshore Transition Zoned District, which had not been included. In the Private Road ordinance he directed the Commissioners' attention to an additional requirement that roads be narrower in cases where environmental protections might be needed and to a new subsection dealing with "second means of access," necessary if a road serves more than 50 residences. The latter will have to be included in the Sub-division Control Ordinance, he said. In the Accessory Buildings ordinance, subsection 2 should read "One detached accessory living unit may be permitted as an SAU

under the provisions of Section 40-745.” Subsection 1 under Sec. 40-745 should read “Subject to provisions of Sec. 40-631, one detached accessory living unit may be permitted as an SAU.” After some discussion, the P. C. decided to leave Sec. 40-745 in for public hearing. The Tree Protection ordinance became Tree Preservation ordinance and Critical Sand Dune is also referred to as Lakeshore Open Space. A new section R-4 Lakeshore Open Space Zoned District was added as Sections 40-340 through 40-352. Sisson explained that portable signs should be regulated by licensing for a limited number of days rather than in zoning ordinances. Ellingsen said there should not be a limit of 624 s.f. on detached private garages, and it was changed to “unless approved as an SAU the maximum size of a private garage shall be 800 s.f.” in Sec. 40-631 7 b. There was discussion on what should be included in the new R-4 zone, and some other residential areas were included for public hearing.

The Commissioners returned to the question of rezoning from A-2 to R-2 the area north of Riverside Drive near Peach Creek Ravines and to the east. There was consensus after much discussion that it should remain A-2. Since Raad was still present, Olendorf made a motion to deny RomVano’s request for the rezoning from A-2 to R-2 because the character of the surrounding property is primarily in a natural area, it lies within the floodplain, there are safety and welfare issues because of the traffic, and there is no recommendation for change in that area from the Tri-Community Plan. The motion was seconded by Rausch. A roll call vote resulted in a 6 to 1 approval, with Milauckas voting NO. It will be recommended to the township board to deny this application.

Milauckas made a motion to set Articles 1 through 35 for a public hearing July 11 at 7:00 P.M. at Douglas Elementary School, that is, the proposed zoning ordinance amendments dated 5/23/05 as further amended this evening, and to amend the township map to change R-3B and portion of R-2 in Sections 4 and 5 to a newly created zoning district R-4 Lakeshore Open Space District, to rezone that portion of C-3 Interstate Transportation Overlay District at Exit 41 in Sections 2 and 3 to extend to the southern boundary of the parcel property line and the western boundary of Section 2 section line to conform with the Future Land Use Map in the Tri-Community Plan. Rausch seconded, and the motion carried unanimously by a roll call vote.

The meeting adjourned at 12:47 P.M. The next regular meeting is June 27 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 Olendorf/Jarzembowski to approve the May 16 minutes.
2. Motion by Darpel/Rausch to table rezoning from A-2 to R-2 as requested by RomVano LLC until discussion of rezoning larger area north of Riverside Drive.
3. Motion by Rausch/Jarzembowski to close public portion of hearing on rezoning from A-2 to R-1 as requested by Maxwell Development.
4. Motion by Olendorf/Rausch to table rezoning from A-2 to R-1 as requested by Maxwell Development until Commissioners can examine property abutting City of Douglas formerly a pesticide research facility.
5. Motion by Hanson/Marczuk to table Indian Point PUD and site condo final review until several issues are settled.
6. Motion by Olendorf/Rausch to deny rezoning request of RomVano LLC.
7. Motion by Milauckas/Rausch to set for public hearing July 11 at 7:00 P.M. at Douglas Elementary School all those proposed zoning ordinance amendments dated 5/23/05 as further amended at this meeting, plus other map changes and R-4 zone creation.