

## SAUGATUCK TOWNSHIP PLANNING COMMISSION

June 27, 2005

The Saugatuck Township Planning Commission met on June 27, 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, Marta Gazda-Auskalnis and Elaine Westerhouse for OxBow, Robert Muusse for Indian Point, Jeff Klemm, Thom Carpenter for Meckley PUD, Terry Stewart, Tedd Oyler, members of the general public and reporters.

Chairman Milauckas opened the meeting at 7:10 P.M. and called attention to three amendments to the minutes for May 23: (1) Page 3 middle of fourth paragraph, after "construction." add "After construction each lot would be responsible for one share." (2) Page 4, last paragraph, third sentence from the bottom, change "50" to "75." (3) Page 5, time of adjournment "A.M." Olendorf made a motion to approve the minutes as amended, Marczuk supported, and the motion carried.

There was no public comment on general topics. Hanson congratulated Darpel, author of the new building design ordinance, for receiving an award from the Saugatuck Douglas Historical Society for his remodeling of a commercial building in downtown Fennville.

The site plan for OxBow's expansion was displayed by Architect Marta Gazda-Auskalnis from Chicago and Elaine Westerhouse, the engineer from Driesenga Associates. Milauckas explained that all the conditions set for SAU approval have not as yet been fulfilled. Olendorf clarified that if they are not fulfilled, approval of the site plan is invalid. Gazda-Auskalnis said this plan dated 6/9/05, with some changes from the 4/25/05 plan, shows the building addition and three new structures, resulting in an increase of 32 beds, the new bike racks and the pull-outs for emergency relief on the entrance road. Westerhouse discussed the storm drainage basin and the hook-ups to the water main.

Jarzembowski asked if there has been any creative thinking about the road if vehicular traffic is limited, and David Balas, 555 Spear Street, stated that the road has served OxBow for almost 100 years and only if it becomes a legal issue would OxBow consider alternate access possibilities.

The question brought up by John Breen's letter of the discrepancies in numbers of parking spaces possible, depending upon dimensions of individual spaces, brought a response from Gazda-Auskalnis that she was confident in the numbers on the plan. Gazda-Auskalnis answered another claim made by Breen that some of the overflow parking was actually located on neighboring property by saying that improvements are based on a current survey and parking will be within the site.

Milauckas asked about the Fire Chief's decision, and E. W. Ross from Chicago said OxBow was working with the fire department, which was testing accessibility and would report on its final inspection.

Sisson discussed his memo dated June 24. As far as the parking space count was concerned, he said they would rely on what the site plan provided and he understood that the drainage plan has been sent to the Drain Commissioner. He concluded by saying the traffic issue could be a condition in the site plan approval.

Milauckas opened the meeting to public comment and David Balas said he expected that the P.C. would receive within 48 hours the traffic study done by Wade Trim, which concludes that Park Street will continue to be adequate after the expansion at OxBow. E. W. Ross added that the study was done the week of June 10, not a typical week, when 50 students were enrolled. He stated that the van purchased in cooperation with the SCA was not in use until June 20 when all the classes were in session. He said incentives have been offered to encourage students to use this van. Friday night open houses will be every other week instead of every week and shuttle service will be available. Upon questioning by Olendorf about peak capacity, Ross said typically there are from 45 to 60 registered students, but there are 20 fellowship students and staff all summer and faculty that come and go, so there could be 70 to 90 people for lunch on any given day.

Ms. Smalley, the next door neighbor on Park Street, asked about the emergency pull-outs on the road, and Gazda-Auskalnis showed where the three areas are on the site plan, adding that there would be signage for them. Hanson said there is a lot of concern about safety on the curve, and Balas explained that large mirrors were being proposed.

The Commissioners considered Sec. 40-813 vis a vis a document provided by the applicant which covered all the requirements. Time frame for development was established as September, 2005, to May, 2006. Olendorf asked if any stipulations have been made about construction procedures, and Jack VanderMeulen said he has been cautioned to be very sensitive to the neighbors especially about early morning deliveries. The Commissioners also considered Sec. 40-816 standards, and Sisson said they will be satisfied when the conditions for the SAU are fulfilled.

Olendorf made a motion to approve the site plan dated 6/9/05 for Ox Bow expansion after review of Ordinance Secs. 40-813 and 40-816, with the following conditions: (1) that the conditions for approval of the SAU are fulfilled, (2) that the Fire Chief's approval is secured. (3) that the measurements of the parking areas are consistent with what the Planning Consultant indicates is adequate, and (4) that the Drain Commissioner gives his approval. Rausch seconded. After some discussion of how to satisfy condition (3), Olendorf amended his motion to require that 19,200 square feet of parking be provided, besides the overflow in the meadow, recognizing the fact that it is a rustic setting, trees are sometimes in the way, the 64 spaces will not be paved, striped nor always the same dimension. Rausch seconded the amendment requiring 19,200 square feet of parking aside from the overflow in the meadow. A roll call vote produced unanimous approval for the amended motion.

Sisson observed that requirements of the Fire Chief might produce changes in the site plan and the traffic study will have to be discussed. It was decided that OxBow could return July 11 before the public hearing on ordinance amendments from 5:30 to 6:30 P.M., since there is another project for preliminary review.

After a short recess, the meeting resumed for Indian Point final site plan and PUD approval with a plan just submitted this evening dated 6/23/05. Muusse said the changes were in the notes, based on directions from Sisson. He said a community septic system would require clear-cutting a large area, so he concluded it would be better to keep the individual systems, which have been approved by the health department. Atty Nicewander said community systems require the creation of a separate entity to take charge of the systems, there are

bonding issues which involve all the governmental agencies, more expense accrues to the homeowner's association, and it becomes a complicated issue. Community systems are good where the geology will not sustain individual systems because the soil doesn't perc or there are environmentally sensitive areas. Olendorf asked Nicewander if he had reviewed the environmental integrity of this area and if he had looked at the potential build-out of the area considering all the current building going on there. Nicewander replied that he relied on the health department's approval of the proposed individual systems. He stated that community systems are not expandable to include other developments that might occur in the area. Olendorf further asked if submersion of the septic systems would change his mind, and Nicewander said the 100-year flood plain has been established and he assumed the health department has taken this into consideration. Muusse said the 12' drive, required by the health department, is already a two-track and would be covered with gravel. Moving the plan 50 feet closer to the marsh also was required by the health department to achieve proper distance between septic and well, he added. Milauckas reminded Muusse that the P.C. has been concerned about the maintenance road and clearing in that area which was to remain untouched, and the P.C. gave preliminary approval on the original plan showing 100-foot lots, assuming the septic systems could be accessed on the lots without having to go down into the preserved area. Therefore, Milauckas wondered, if they couldn't do what they thought they could do, should they stick with this layout? When Muusse reminded the P.C. that they would only be applying gravel to what is already there, Rausch said that in constructing the septic systems, everything would be destroyed. Steve Smit said the access to the two-track would be accomplished between lots 14 and 15 where the storm sewer will go. He added that lot 1 was moved off Silver Lake Drive to save trees, and there will be a pedestrian walkway between lots 8 and 9.

Hanson said there is no language saying there is a "preservation area," nor is there any language saying the open space will be kept natural in perpetuity, which has been an issue from the beginning. Nicewander said a conservancy easement has been discussed with Sisson, and he would be happy to draft it if he knew what the township wanted. Olendorf assured him that from the beginning the P. C. has asked for a conservation easement. Nicewander said the conservation easement would be granted to the township in perpetuity prohibiting any kind of development whatsoever. Hanson also asked if there were still provisions for homeowners to build swimming pools and a clubhouse. Nicewander said no. Milauckas asked about tree cutting restrictions on Parcel A, and Nicewander said any building restrictions that apply to the site condo also apply to Parcel A. Milauckas asked him to state this on the site plan, Section 21. Darpel asked if Parcel A could be subdivided, and Smit pointed out that the PUD shall include 18 single-family units and one land division parcel noted as Parcel A for a total density of 19 single-family residential home sites. Recreational open space was discussed, and Nicewander read from a revised Master Deed which said open space shall remain natural in perpetuity. Muusse said they would like to have a "filtered view" possible on the marsh side.

Sisson said he did not see that the PUD needed all the legalese attached to it when the site condo documents would satisfy all these conditions required by the P. C. However, he said the document language had not as yet been drafted.

Milauckas referred to a letter from Bill Schmidt of the DNR regarding some seeming discrepancies in the descriptions of boundaries. Smit said it was partially caused by an omission in the legal description from a survey done in 1992-4, leaving a strip between the intermediate traverse line and the "exception." He said Schmidt agreed with him that the intent of the legal description was that the west line of the one-acre parcel be common with the intermediate traverse line. Nicewander said they have defined this as "expansion area" and if the DNR decides this strip is not theirs, Indian Point can exercise its "expansion area." If the DNR says it is theirs, Indian Point will concede. Brandon Seitz of the DNR in the Allegan State Game Area said, as of his

conversation with Bill Schmidt today, the DNR will never release that strip of land because it is part of a larger tract called the Webster Marsh, extending to the intermediate traverse line. Smit reminded Milauckas that they had a submittal which only went to the intermediate traverse line, but the P.C. required them to do something with that strip of land. Seitz said the site plan map has no reference to latitude and longitude to justify these lines, but Smit said distances start at Section corner, and the mathematical figures do not match the DNR deed. Nicewander said they would have to take it up with the title insurance company. Milauckas said they should have explained these complications at the first meeting.

Fred Schubkegel, an attorney representing an unnamed group, listed the previous inconsistencies in documents presented and pointed out that there is still a provision on the new plan that recreational facilities can be provided on site as allowed by homeowners' association approved by the Saugatuck Township Planning Commission. He said the community septic system should not have been given such short shrift by the developer. Trees will be cleared within 20 feet of the houses, so would there be any trees left there? He did not agree with Sisson that the PUD could be approved without knowing exactly what the condo documents provide.

Dayle Harrison, 3108 62<sup>nd</sup> St., said there is still no environmental impact statement, no inventory of what is there. He added he would like to see the conservancy document, and he questioned the road clearing strip.

Linda Salisbury, 6364 Silver Lake Drive, recalled the preliminary approval in October and said there are still areas not properly dealt with: 1. An agreement over preservation of trees on the bank and below to the river, 2. That the preservation area along the river remain natural in perpetuity, 3. There was no plan to put a maintenance road for the septic fields where the two-track is, and 4. There has been no final settlement over the disagreement with the DNR. The P. C. should know what property they are approving.

Milauckas asked the P.C. for comments and Marczuk, Olendorf, Jarzembowski and Hanson voiced their frustrations, uncertainties and discomfort with this project because of the inconsistencies in plans and documents, concerns with health department approval of an area where flooding has occurred in the not too distant past, environmental issues which have not been adequately addressed, the continuing tabling of the project because problems are never fully solved.

Marczuk made a motion to table Indian Point PUD site condo, but there was no support, so it failed.

Olendorf made a motion to reject the application, supported by Jarzembowski. Rausch said she did not like the septic system arrangement. Darpel said he was frustrated with long lists that never get met leaving loose ends. Jarzembowski said there are a lot of houses and the leaching from septic systems should be a concern in a sensitive area. Milauckas regretted that the P.C. has led the developer along, but it is too tight, and maybe the preliminary plan should not have been approved. Olendorf commented on the valuable input from other members of the community, which helped the P.C. to recognize difficulties. Sisson asked if it is a real issue that the septic areas have been flooded, that being one of the reasons to deny the project; other issues can be worked out. A roll call vote resulted in Hanson, Jarzembowski, Marczuk, Olendorf and Rausch voting YES; Darpel and Milauckas voting NO. The motion carried 5-2. The final PUD and site plan is denied.

Milauckas brought up Jeff Klemm's request for rezoning from A-2 to R-1, tabled from the May 23 meeting. It is an area south of Wiley Rd. and northwest of I-19, which used to be a Michigan State experimental area. The rezoning would yield 46 lots as opposed to 19 in A-2. Klemm recapped the information from the May 23 meeting. When Milauckas opened it up to public comment: Glenda Forsten, 127 Water St., asked why Ron

Van Dragt's property would have to be rezoned too. Van Dragt, 11 Wiley Rd., said Z. A. Ellingsen told him he thought his property should be rezoned if this section in question were rezoned. Van Dragt said he hoped it would not affect his SEV; otherwise he didn't seem to care. Sisson said SEV is based on the best use of property, not on zoning. Milauckas said it could be rezoned, but it is not on the agenda tonight. Sisson said this area is one that could be developed more densely because it is near the city of Douglas and public utilities are available. Milauckas led the Commissioners through the seven questions to be considered when rezoning.

Darapel made a motion to recommend that this area in Section 21 be rezoned from A-2 to R-1, based on its proximity to the City of Douglas, the accessibility to public utilities and the cessation of agricultural use. Rausch seconded, and a roll call vote produced a unanimous approval.

Thom Carpenter, Dreisenga Associates, represented Robert Meckley's mixed-use PUD on Blue Star Hwy., the plan dated 5/25/05, continued from the April 25 meeting when preliminary approval was given the residential portion and the commercial part was tabled. He said there were two options for the commercial portion: to move the parking to the rear and create a single 30-foot drive, although he preferred two entrances to the commercial area. The list of possible commercial uses are from the permitted list in the Ordinance, and the only one to need SAU would be for an office building.

He continued with the changes to the residential portion. The sewer to 65<sup>th</sup> St. is quite shallow so to service this portion, sewer would have to be brought from both 65<sup>th</sup> St. and across Blue Star. As far as preserving the vegetation within the 40' setback along 65<sup>th</sup> St., Meckley said he would like to thin out smaller vegetation than 6" in diameter so it would not be so thick right up to two of the home sites. Sisson thought they could exclude some of the limited common area from the preservation of all vegetation in the setbacks. Bike and pedestrian paths were mentioned in Sisson's memo, and Meckley said he would like to address that next month because he had some information on substances other than concrete. There will be no streetlights, but there will be shielded front yard lights. There is no need for the detention basin originally planned because sheet flow will infiltrate off the road. Two styles of homes of 1350 to 1550 s.f. will be situated inside building envelopes within a limited common element to allow for some adjustment.

Milauckas asked about item 9 in Sisson's memo regarding preservation of the buffer in the non-commercial areas along Blue Star and if the 70-foot buffer in the commercial parcel would be preserved. Carpenter said the commercial buildings might be in the buffer area in order to keep the trees behind as a buffer for the residential parcel. Meckley said he would not like to have lights and signs to attract business. They want to return in July with a cleaned up residential plan and a commercial plan for approval. Consensus seemed to be that Meckley and Carpenter were going in the right direction.

Terry Stewart's 6/27/05 site plan review of an office building at 3385 Blue Star in C-2 was next on the agenda. This plan has one building instead of the original two, and the parking and buffer problems have been eliminated. The ZBA granted a variance on the distance of the driveway from one directly across the street. Upon questioning, Stewart said Paramount Tool did not want to allow him to use their tree line as his sideyard buffer. Sisson went through his memo of June 24, stating that the lot is nonconforming and adjustments can be made to achieve the additional 5 feet of rear yard setback. The Commissioners preferred keeping an existing tree to moving the building, however. Sisson enumerated the landscaping that was needed, and Stewart said he would submit a plan. Stewart said he would like to comply with the proposed lighting ordinance. Water connection, septic system, and grading and drainage plans need to be approved by the appropriate authorities. Rausch suggested extending the walkway in the rear instead of having shrubs, and Stewart agreed.

Darpel made a motion to table the site plan until it is complete, the requirements outlined in Sisson's memo being lighting, signs, landscaping, septic and drainage approvals. Rausch seconded and the motion carried.

Tedd Oyler appeared for a preliminary discussion on a proposed housing development on two combined parcels of 16.6 acres behind the Pump House Gym at 65<sup>th</sup> St and 135<sup>th</sup> Ave. He said 26 4-unit townhouses were possible, but he was proposing ten 4-unit buildings around a common area which would include a pool and play ground. Rear entry driveways would serve the living units. He said Z. A. Ellingsen had suggested two entrance drives, one from 65<sup>th</sup> and one from 135<sup>th</sup>. Public utilities are available. There would be interior sidewalks to encourage the neighborhood feeling. Units would be 2000 s.f., 2-story with 2-car garages. Milauckas cautioned that there is a need for green space calculations when the plan is submitted.

In preparation for the July 11 public hearing on the proposed Zoning Ordinance amendments, Sisson suggested that each Commissioner think of questions which might come up on whatever amendments they were involved in writing. Milauckas asked Sisson to work up an overview of the amendments. He added that the 5:30 to 6:30 portion of that meeting would be devoted to OxBow and Patel's Exit 36 development.

Meeting adjourned at 12:53 A.M. The next meeting is a special meeting on July 11 at 5:30 P.M. at Saugatuck High School, followed by a public hearing at 7:00 P.M.. The next regular meeting is July 25 at 7:00 P.M. at the township hall.

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Betty A. White, Recording Secretary

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Sandy Rausch, Secretary

### **MOTIONS**

1. Motion by Olendorf/Marczuk to approve amended minutes of May 23.
2. Motion by Olendorf/Rausch to approve site plan review of OxBow expansion with conditions, one being that the SAU conditions are met.
3. Motion by Marczuk, no support, to table Indian Point PUD site condo final plan, failed.
4. Motion by Olendorf/Jarzembowski to reject Indian Point PUD site condo final plan, 5 YES – 2 NO.
5. Motion by Darpel/Rausch to recommend to the township board that a portion of Section 21 by rezoned from A-2 to R-1.
6. Motion by Darpel/Rausch to table Terry Stewart's office building in C-2 on Blue Star until plan is complete.