

SAUGATUCK TOWNSHIP PLANNING COMMISSION

July 11, 2005

The Saugatuck Township Planning Commission met on July 11, 2005, for a special meeting and a public hearing at the Saugatuck High School on Elizabeth Street, Saugatuck, Michigan 49453.

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

Absent: None

Also present: Todd Warnock for OxBow, Steve Smit for Patel Investments, Z. A. Ellingsen, Planner Sisson, Atty Bob Sullivan and many members of the general public.

At 5:39 P.M. Chairman Milauckas called the special meeting to order to review compliance with conditions set for SAU and site plan approval of OxBow expansion and to make an informal review of Patel Investments' project at Exit 36. Minutes of June 27 regular meeting were amended as follows: Page 2, first paragraph delete "not" from sentence beginning "E.W. Ross added that the study..."; and fourth paragraph change "his" to "her" in reference to the Drain Commissioner. Hanson made a motion to approve as amended, and Rausch seconded. The motion carried.

There being no general public comments, Chairman Milauckas opened the continued review of OxBow, explaining that the three conditions remaining unfulfilled regarding the Drain Commissioner's and Fire Chief's approvals and the results of the traffic study for safe road access were in hand. Todd Warnock said Shirley Wolmer, the traffic engineer who did the study, was present to explain the document from Wade Trim Engineering dated June 28. He added that Jack Murchie was on his way to discuss the parking issue.

The Fire Chief's letter and list of 23 requirements he had just received, Warnock said, would be implemented. Milauckas verified that he had talked with the fire chief and if all the 23 requirements are satisfied, approval will be given. Warnock assured the P.C. that OxBow was planning annual inspections by the Fire Department to make sure the private fire hydrant system is maintained and will agree to the use by neighbors in case OxBow's hydrant system is needed. Milauckas confirmed with Sisson and Ellingsen that until the 23 conditions are complied with there will be no occupancy permit for the expansion, and written verification is necessary.

As far as the traffic study is concerned, Milauckas said it did not treat emergency vehicle access, but that is taken care of by the letter from the fire department dated July 8, according to an e-mail from Atty Bultje. The traffic study showed Park Street access to OxBow is adequate and will be adequate for the proposed expansion, according to the document from Wade Trim. Turn-around areas along Park Street were discussed and the thought was that the City of Saugatuck was considering them, but Warnock described areas where turn-arounds could be accomplished on OxBow property without going into the campus.

Jack Murchie provided plans showing parking schemes which confirmed the necessary numbers of parking spaces, providing 20,749 s.f., whereas the P.C. had asked for 19,200 s.f.

Hanson made a motion to give final approval for OxBow's SAU, finding that the conditions of Planner Sisson's February 25 memo have been complied with, finding that Wade Trim's traffic study has said that Park Street is safe to accommodate the traffic flow of the planned expansion, and noting that the Fire Department has issued a

letter with 23 conditions which if complied with will solve the emergency vehicle access concerns. Those 23 conditions are as follows: (1) Hydrant #3 shall be rotated to face west. (2) The bike rack, near the Inn, shall be relocated 4 feet to the south. This will give a greater access to Hydrant #4. (3) A permanent no parking/fire lane sign shall be added to the north end of the bike rack, facing west. (4) Cut the lilac tree back a distance of 4 feet from the road near the blue house. (5) The limbs on the pine tree located at the northwest corner of Rupprecht Way and Fursman Lane shall be trimmed back far enough from the road to enable fire trucks to make the turn. Trim limbs to a minimum height of 13 feet 6 inches. (6) The row of lilac hedges shall be removed within 4 feet of the west side of the road the entire length of the lilac hedge (to the end of the row). (7) Remove the 6-8" diameter tree at the southeast corner of the intersection of Fursman Lane and Hydrant #5 Access Road. (8) Remove the 2" diameter tree at the northeast corner of the intersection of Fursman Lane and Hydrant #5 Access Road. (9) Remove the pine tree to the south on the east side of this intersection. (10) Trim back all vegetation on the northeast corner of this intersection. (11) Remove the limb and stump fence on the west side of Fursman Lane. (12) Gravel shall be added to the area west of the intersection of Fursman Lane and Hydrant #5. The gravel will extend to the large tree to the west and from the manhole to the north, to 20 feet to the south. The gravel surface shall support 80,000 pound fire apparatus. The area will become a fire department turnaround. (13) No Parking / Fire Lane signs shall be installed in this area. (14) The fire extinguisher, cabinet and post shall be relocated further to the south. Fire trucks must be able to access the hydrant area to the east of Hydrant #5. (15) Add two sets of reflectors on the north and south side of the two large trees on the east and west side of the access road to Fire Hydrant #6. Mounting height shall be approximately 6 feet. (16) No parking signs shall be placed around the area of Hydrant #6. (17) Additional fire lane sign placement will be determined and specified once this list is complete. (18) All fire hydrants shall be painted yellow. (19) A parking area should be developed for trucks to unload deliveries. At no time can delivery trucks be left unattended in fire lanes. Unattended trucks parked in fire lanes were witnessed twice on July 7, 2005. (20) The intersection of Rupprecht Way and Dilly's Lane shall conform to IFC 2000, Section D 103.3 minimum specification. The radius shall be a minimum of 28 feet to enable fire trucks to make the turn from Rupprecht Way, east on Dilly's Lane. (21) A fire department turnaround shall be provided, with a minimum radius of 28 feet, at the north end of Rupprecht Way, before Rupprecht Way heads east. Surface shall be a minimum of 12 feet wide and 40 feet in length. The gravel surface shall support 80,000 pound fire apparatus. (The 40 feet surface extends north from edge of existing road). (22) STFD shall receive a letter from Ox-Bow granting approval for STFD use of Ox-Bow fire hydrants, as needed. Ox-Bow in turn would contact neighbor(s) adjoining Ox-Bow Campus of the possibility of reimbursing Ox-Bow for water used in the event of a fire on neighbor(s) property. This was requested in a letter to Al Ellingsen, Zoning Administrator, dated March 7, 2005. In addition, this request for approval was stated in a letter from the Saugatuck Township Planning commission, Item 8, dated April 25, 2005. STFD has not received written permission to date. (23) Ox-Bow should contact Saugatuck Township Planning Commission or Phil Quade, Saugatuck Township Manager, regarding establishing easements to comply with IFC 2000 Section C104.1. Without established easements, the code states these hydrants are not available. Jarzembowski supported and the motion carried unanimously.

Hanson made a motion to approve the site plan review for OxBow noting the four conditions of June 27: conditions for SAU approval have been fulfilled; a letter from the Fire Department verifying that the 23 requirements have been met is necessary before an occupancy permit will be issued; the parking numbers have been met; and the approval from the Drain Commissioner has been received. Marczuk seconded and the motion carried unanimously.

Steve Smit presented Patel Investments' preliminary plans for a gas station on property cleared near Exit 36 on Blue Star Highway. Patel has options on two neighboring parcels where later developments would include a

restaurant and a hotel/motel. He stated that there are wetlands on the property and sewer and water are available. The road commission has agreed with the proposed two entrances to the three parcels. Sisson pointed out that the separation between the two driveways does not meet the 250-foot requirement of the township. Smit said they have conferred with the DEQ about minimizing impact on the wetlands, and pretreatment is needed before the storm water enters the wetlands. Darpel informed the applicant that the P. C. is looking for extensive revegetation of the property and suggested he refer to the new proposed ordinances. Smit said there is no direct access to Blue Star from the other two parcels. Upon questioning, Smit pointed out where the diesel pump would be located, but said it would not be a master/slave arrangement. Finally, Milauckas said there was not much direction the P. C. could give them, except to follow the ordinances.

After a brief recess, the public hearing convened at 7:15 P.M. for the proposed Zoning Ordinance amendments. Milauckas greeted the public attending and introduced the officials present. He stated that proper notification has been sent to property owners affected and public notice has been published in the local newspaper. Reading of that public notice was waived since a descriptive list of each amendment is attached to the agenda available to those attending the hearing. Atty Sullivan agreed this was acceptable. Planner Sisson gave an overview of the nine separate areas included in the proposed amendments: signs; private roads; accessory buildings; a new tree preservation ordinance; a new outdoor lighting ordinance; a new zoning district called R-4 Lake Shore Open Space, which was originally partly R-3, R-3B, R-2 and R-1; a new building design ordinance; parking, landscaping, buffering, and driveway spacing flexibility available to P. C.; and rezoning of part of C-3 at Exit 41 to allow for more R-1 and C-1 areas.

Milauckas began with an explanation of why the P. C. proposed the amendments to the sign ordinance. Atty Sullivan discussed some possible changes necessary. Dick Waskin, Douglas, said he was saddened to see all the ordinances proposed and the loss of simplicity which used to prevail, that most of the developers in the area are locals not from outside, that each issue should be discussed with the public separately and more time taken so mistakes are not made that must be undone. Milauckas said the \$12.50 per copy of the proposed ordinances was out of line. He asked for names of those who purchased copies to discuss this with the township board.

After some discussion about billboards Milauckas declared section (2) (d) on page 1-10 confusing enough to investigate.

Jeff Wilcox, Saugatuck, asked what precipitated (d) (7) on page 1-4, and Olendorf said there seemed to be a proliferation of those signs on short term rentals. Atty Sullivan had already said the township should not limit the advertising of such if the short term rentals are allowed.

Ed Fincl, 2492 Lakeshore Drive, wondered if anything could be done about signs no longer being used, such as the derelict Marathon sign at Exit 36. Milauckas said the P. C. has requested that something be done and has included provisions in this ordinance. Fincl asked the P.C. to petition the township board for some action.

Dayle Harrison asked the P.C. to investigate guidelines for billboards on the Interstate, and Dan Shanahan, Douglas, informed the P.C. that billboards can affect traffic noise on the highway. Sisson said these standards would apply to new signs on the Interstate, and Hanson said it was not his intent when he wrote the amendments. Sisson said work needs to be done on the wording in Sec. 40-634(f) on page 1-9. Sullivan said the attorney would help with that.

Milauckas explained the changes necessary to the private road ordinance to give some flexibility to retain trees and to require a second access to large developments. Norm Deam, 3463 Park St., 3463 1/2 Park St. and the Lighthouse property, said there is inconsistency in requiring paved roads with 66-foot easement for four or more parcels and 33 feet for fewer in the new R-4 district, which he thought destroyed the natural environment.

Tom Anthrop, Douglas, asked if the P. C. requires the fire chief to approve access to developments of four or less homes, and Milauckas replied that the Zoning Administrator handles those small developments.

Phil Miller, 966 Holland St., asked if there is a definition of “unique mature vegetation” for the last sentence on page 1-13, and it was suggested that there should be one, especially if the Zoning Administrator has to act on it. Harrison proposed using the 6” diameter designation.

Milauckas explained that it was discovered that there were no limits on accessory buildings and driveways to them and that a concept of using accessory buildings for living quarters with restrictions was proposed by one of the Commissioners. Atty Sullivan said if a manufactured home or mobile home is primary on the lot, the P. C. would not be able to deny an accessory living structure on the same nature, and he wondered how to enforce the deed restriction requirement.

Larry Edris, 2534 Lakeshore Drive, said he was in favor of what the P. C. was trying to do but he didn’t understand the 60’ separation requirement and he was not in favor of the development of “compounds.” He thought the minimum lot size should be increased in the southern part of the lakeshore to retain the rural nature. He liked the guest house changes but they would not stop the flag lots that are being created by subdivision.

Pat Knikelbine, 6527 126th Ave., asked if this guest house provision is for the entire township, and the answer was Yes.

Judy Anthrop, Douglas, asked if an accessory building on commercial property could be used as a guest house, and the answer was it has to be on residential property.

Ron Hirsch said kitchens should not be allowed in accessory buildings in order to better regulate guest houses.

Norm Deam thought the limit on size, number and separation requirements of accessory buildings in the new R-4 did not make sense because the lots are so big. He offered one guesthouse per 5 acres. He thought discouraging subdivision was good.

Ken Carls, Douglas, said houses and barns have nothing in common in style, referring to Sec. 40-745 (5).

John Noonan, 6940 Pier Cove, said this guest house ordinance will bring more rentals, and he suggested the fines or penalties for disregarding the ordinances are not stiff enough.

Judith Schneider, 207 Maple, said she did not think a kitchen was necessary in a guesthouse. Ellingsen said a half bath was allowed so far in accessory buildings.

Atty Sullivan said it was easier to enforce rental restrictions on accessory buildings if baths and kitchens are not allowed. Sisson said there is a move toward more unrestricted accessory buildings. He added that the 60’ separation was an attempt to prevent lot splitting.

Knikelbine said renting an accessory living quarters changed the tax base for the property.

Ellingsen asked why limit the garage to 800 s.f. and then allow accessory buildings to cover 5% of the rear yard. It should be gauged by the acreage.

Milauckas explained that the P. C. created the Tree Preservation Ordinance to protect the buffers along Blue Star and the Interstate, following the Tri-community Plan to preserve the rural nature of the area, not to limit the individual homeowner's control over his own trees. The ordinance also waives some of the landscaping of developments for those trees retained, requiring developers to present a site plan before cutting.

Ron Hirsch applauded this ordinance, wanted "adjacent" defined or reworded, and warned that allowing 10% of the protected trees in the TPZ to be cut without a building permit would cause problems.

Kay Smalley, 3423 1/2 Park St., said she lives in the critical sand dune area and wanted to trim trees near her house. She wondered if there were a 10% provision there and if cutting meant trimming or removal. Sisson said trimming is not regulated. Milauckas said these provisions were originally for vacant property.

Edris said he was in favor of this ordinance and thought it should be applied to the whole township.

Wilcox said he supported this work and thought taking the time to explain what it means is very much worthwhile. Milauckas explained for him that the first paragraph on page 17-3 meant that the first 40 feet of the 70-foot buffer should remain untouched so as to achieve waivers from the landscaping requirements when the site plan is presented.

Upon questioning by Henry Gleason, 1025 Park St., Milauckas explained that not only Blue Star and the Interstate are included in this ordinance, but public roads adjacent to the commercial and industrial districts also.

Dawn Schumann, 296 Lakeshore Drive, said she and the Heritage Preservation Committee support this effort.

Dan Shanahan said the two ordinances, tree preservation and building design, seemed to be conflicting because one could cut corners with the buildings if they won't be seen through the trees, those who have no trees are at an advantage, and the township building should be an example.

Joyce Petter, 500 Blue Star, asked why not include M-89 as well.

Schneider said she approved of this effort to preserve the environment for tourism and thought it should be expanded.

Pat Denner, 3455 Clearbrook Drive, said the most damage done to trees is done by the Power company.

Harrison suggested coordinating this ordinance with the landscaping provisions to encourage developers not to cut down vegetation in the side yard as well as the front buffer.

Miller applauded the efforts of the P.C. and asked for clarification of the Critical Sand Dune Area and the Lake Shore Open Space R-4. The one is a subset of the other, said Milauckas.

Mike Peel, Old Allegan Rd., said the only thing he didn't agree with about the tree preservation ordinance is that small businesses need exposure, and this could create a hardship for them.

Anthrop said this means scrub brush can be removed but big trees will be preserved. Sisson explained that this ordinance prevents the clear cutting before any planning takes place.

Chris Gorgas, 3480 Riverside Drive, asked what species of trees this ordinance was meant to protect because a parcel he hoped to develop was covered by "old straggly Scotch pines" which don't last forever. Milauckas said this would be done one project at a time.

Hanson made a motion to table this hearing until July 18 at 7:00 P.M. at Saugatuck High School. Darpel seconded and the motion carried.

Meeting adjourned at 9:54 P.M. The next regular meeting is July 25 at 7:00 P.M.

Betty A. White, Recording Secretary

Sandy Rausch, Secretary

MOTIONS

1. Motion by Hanson/Rausch to approve amended minutes of June 27.
2. Motion by Hanson/Jarzembowski to approve the SAU for OxBow expansion with 23 requirements by the Fire Department to be verified in writing before issuance of an occupancy permit.
3. Motion by Hanson/Marczuk to approve the site plan review for OxBow expansion.
4. Motion by Hanson/Darpel to table the public hearing on amendments to July 18, 7:00 P.M., Saugatuck High School.