

## SAUGATUCK TOWNSHIP PLANNING COMMISSION

July 18, 2005

The Saugatuck Township Planning Commission met to continue a public hearing on July 18, 2005, at the Saugatuck High School, Elizabeth Street, Saugatuck, Michigan 49453.

Present: Hanson, Jarzembowski, Marczuk, Milauckas and Rausch

Absent: Darpel and Olendorf

Also present: Z. A. Ellingsen, Planner Sisson, Atty Bultje and members of the general public.

At 7:04 P.M. Chairman Milauckas called the continuation of the public hearing of July 11, 2005, to order and explained the process that follows this hearing on the proposed Zoning Ordinance amendments.

Having reviewed the proposed amendments to the sign, private and accessory building ordinances and the newly proposed Tree Preservation Ordinance at the July 11 portion of this hearing, Milauckas directed attention to the newly proposed Outdoor Lighting Design Standards Ordinance. He pointed out a few projects from the past that prompted the need for lighting controls in the commercial district on Blue Star and added that it seemed there was also a need for standards for residential areas.

When Milauckas opened the hearing to public comments, Don Maeder, 6383 126<sup>th</sup> Ave., asked what would happen if you have a barn light and it breaks, would it be necessary to conform to this ordinance with a shielded one. He said the lights are not near the road. Hanson referred him to page 18-2 (c) (4), which states that the replacement must meet the requirements of this article. Maeder also wondered what one does to light up the American Flag. He further stated that the police suggest lighting to discourage burglary, but a shielded light would not serve that purpose. Jarzembowski said he thought motion-sensor lights were best for that. Maeder said he thought there should be distinctions between rural and urban, and the size of lot should be taken into consideration.

Judith Schneider, 207 Maple, said lighting has become overdone, and the American Flag should be taken down at night. She added the best protection is a motion detector and neighbors who watch the neighborhood. She complained about Macatawa Boat Works and the Christian Reformed Church whose lights shine into her windows and those of her neighbors. After a petition to rectify this situation, she added there seemed to be no recourse and thought there should be a mediator.

Dayle Harrison said he supported the ordinance but thought accommodation could be made for those special situations. Larry Edris, 2534 Lakeshore Drive, said he thought light pollution needed to be curtailed especially in the areas of the township which are developing quickly, but rural areas could be distinct. Kathy Roper, 6469 130<sup>th</sup> Ave., said even shielded mercury vapor lights affect the quality of life by distorting the view at night.

Richard Runowski, 6390 126<sup>th</sup> Ave., said he is opposed to this ordinance. He questioned the holiday lighting exemption and needed an explanation. He thought this would be difficult for Ellingsen to enforce because he thought the wording was not clear. He advised the P.C. to err on the side of property owners' rights when drafting an ordinance.

Bultje advised that Sec. 40-1013 might apply to the barn light that breaks: repairs could be made within its natural life. He added that outside governmental agencies owning buildings within the township should be required to conform to the ordinance as well as anyone else [page 18-2 (c) (7)]. Sisson thought the blanket exception for sports fields was a little broad. Jarzembowski said the problem is we have not seen good examples of effective down-lighting.

Milauckas displayed the maps showing the new R-4 Lake Shore Open Space zoning district in the northernmost part of the township, which encompasses the Dennison property and areas that were R-1, R-2, R-3 and R-3B. The Critical Sand Dune Area is within this district. The object was to decrease density in case development should occur. He stated that it was possible to cut down the expanse of the district from what is proposed.

Kay Smalley, 3423 1/2 Park Street, said she is at the bend of the old harbor with 2 acres, currently zoned R-2 to be changed to R-4, and she is pleased at the attempt to control development in the Critical Dune. However, she thought it would be difficult for her if she wanted to add onto her house because of the setback requirement of 25 feet. She suggested reconsidering rezoning that small area or making some exceptions for the two parcels which will be nonconforming. Norm Deam, right next door to her, said both parcels are less than 5 acres. He explained that those parcels and the OxBow property were the only ones besides the Dennison property in the new R-4 district. Atty Bultje said any use in this district has to be a PUD, so everything existing now would be a nonconforming use, and if it's less than 5 acres, it is a nonconforming parcel. He added, "If a property owner wants to add onto the house, we wouldn't want the owner to go through the PUD process." Sisson said single-family residences could be listed as fully compliant as of a certain date. If the affected parcels are left out of the new zone, it might appear to be spot-zoning. Sisson added that the other issue was the hard-surfaced road requirement, which was already in the R-3 Critical Sand Dune ordinance.

Norm Deam thought the statement of purpose of the R-4 Lake Shore Open Space District Ordinance had conflicting ideas: permitting residential development and preserving the shoreline as natural space. He said if Dennison's property becomes the preservation area and OxBow is in a category by itself because of its tax-exempt status, this leaves only his and Smalley's property to abide by the regulations in R-4. He suggested rewarding those who do not subdivide their property and creating a moratorium until this amendment process is completed. He thought the P.C. had kept it "family friendly" with the guest house provision, not to be rented. He wanted to change "parks and public recreation areas" page 19-2 (c) to "natural areas." He suggested the way to disallow small parcels is to require that those less than 5 acres already in existence remain as they are, and require the 5 acre minimum in subdividing 15 acres or more. He further stated that there are no paved roads now and he didn't think there should be, and easements didn't need to be 66 feet, or even 33 feet wide in this natural area. After Milauckas explained that one detached garage and one accessory building were permitted per lot, Deam said he thought it was unclear how many guest houses or accessory buildings you could have. Finally, he said he had a problem with the number, size and location of guest houses, and he didn't think Sec. 40-347 was appropriate for R-4. Sisson explained that the 10% maximum on accessory buildings per parcel in R-4 made sense when considering the development would be by PUD with clustering to perhaps 20,000 s.f. per lot. Larry Edris said lots of less than 1/2 acre are being created in the southern portion of Lakeshore Drive which will eliminate the rural character. Dayle Harrison said parts of the R-4 which need protection should be singled out so no development occurs there. He thought they were getting carried away with guest houses and encouraged the township to make it possible to buy property from those who did not want to develop. Judith Schneider seconded the idea of no paved streets and thought if there were more than one guest house allowed bigger than 800 s.f., it would be just like subdividing. Smalley said she thought it seemed like the P.C. was encouraging more density with PUD's, and Bultje explained the clustering of home sites and requirement of

open space to preserve natural areas. Sisson added that with the Land Division Act, 20 or more 5-acre parcels could be created out of the 460 acres, which would make quite an impact with the roads necessary to reach them. Milauckas verified that it would not be necessary to include the rural open space bonuses for clustering in this ordinance, just keep the 5-acre size lots.

Phil Miller, 966 Holland, said he has been involved in fund-raising to purchase Dennison South, which would be for natural preservation, asked for clarification on Critical Sand Dune Area and suggested using the state's description rather than the township's. He further asked about limitations on marinas in the R-4, and he thought accommodations should be made for Deam and Smalley properties.

Jim Schmiechen, 325 Water, Douglas, pointed out that the northern portion of R-4 contained Singapore and any development there might destroy the best known buried village in Michigan. The historic registry would be lost. Rausch asked for a map to show the specific location.

Milauckas directed attention to the Building Design Ordinance, which is the attempt to require buildings in commercial and industrial zones to conform to a standard. Bultje described a system set up in Grand Haven Township whereby a developer could appeal to an authority outside the ZBA when he could not meet the architectural standards set up by the Planning Commission. In Grand Haven Township that authority is the Township Board. Sisson said other townships have set up boards of builders, architects, or others named as the appeals board.

Schneider wondered how this ordinance would be enforced but thought it was a good idea since she did not want more strip malls like the one next door to the township hall. Dottie Lyon, 2979 Lakeshore Drive, referred to the Blue Star Commercial study and rezoning and wondered how to insure that businesses along Blue Star maintained the landscaping which they are required to put in. Pat Denner, 3455 Clearbrook Drive, told how she wanted to move to this community and how she feared the things she ran away from were following her, such as the strip mall.

Ken Carls, 325 Water St., Douglas, read a letter of appreciation to the P.C. for these ordinance amendments in which he urged the preservation of the historic rural character of the area and suggested that the landscape belongs to all who drive down the roads. Because he realized the difficulty of enforcement, he proposed writing into the ordinance the intent to encourage cooperation between business and the township to result in a better building product. Jarzembowski suggested developing this letter further.

Runowski seemed to say that aesthetically pleasing meant different things to different people and advised the P.C. to take a broader approach to building restrictions.

Milauckas explained that Section 28 is an amendment to Sec. 40-812 requiring notification of neighboring property owners adjacent to property undergoing site plan review in C-1, C-2, C-3 and I-1 districts so their concerns may be heard. Schneider said a 300-foot radius is not big enough for notification because the bright lights in her neighborhood are more than 300 feet from her house. She suggested an agenda be published in the newspaper each month. Ellingsen said there is an exact location described in the legal notices, not an address. Bultje said there is no statutory requirement to notify anyone, except for PUD's, rezonings, and SAU's. Milauckas pointed out that people in the city and village are notified when something is happening in the township within 300 feet of them, but this is not reciprocated.

Milauckas explained that Sections 29-35 are proposed to avoid ZBA hearings and unnecessary expense to applicants by giving the P.C. some discretion in parking, landscaping, and spacing of driveways. Bultje said he was concerned with replacing mandatory with discretionary language because it might not be enforceable. He'd prefer mandatory language with standards that must be met before discretion can be given. Change "should" to "shall" and add a paragraph to describe circumstances in which discretion might be needed. Sisson thought the P.C. had discussed criteria. Hanson said he thought they came after "unless" in the paragraphs.

Milauckas showed the map of the C-3 Interstate Transportation Overlay at Exit 41, which the P.C. proposes rezoning to decrease the C-3 area, maintain 500 feet of C-1 in one part and keep C-3 commercial from going so far south into R-1. It was thought that mixed use-residential overlay would still apply in that restored R-1 part. Chris Gorgas, Riverside Drive, said he wanted to make sure the mixed-use residential overlay district covers his entire parcel, but he thought his R-1 portion would have limited road frontage on 64<sup>th</sup> St., which would be a problem if he decided to sell it. Milauckas asked if all uses allowed in the C-1, C-2, and C-3 zones would be allowed in the R-1, which sits in the mixed-use residential overlay district, and Bultje said yes. Milauckas asked if this could be changed, and Bultje said yes, but not tonight because it has not been noticed to the public. Gorgas further worried about the seeming contradiction between preserving trees and building attractive commercial establishments, which would need to be seen from the road. Milauckas suggested keeping the old until the new plantings grew to avoid denuding the property.

Bultje reported that billboard restrictions in the township can be more stringent than the state's, but not less, in answer to questions raised in the first portion of the hearing.

Milauckas explained that the next step for these Zoning Amendments will be a joint meeting with the township board, reworking in case there are changes, and recommendation to the township board that they be adopted. Then they go to the county for 30 days, so they can not be effective until September or October. Bultje said the amendments must conform to certain style standards set by the recent recodification of the Township Ordinances.

Since there was no more public input, Hanson made a motion, supported by Rausch, to close the public hearing. The motion carried.

The point was made that there are no township board members present this evening, although there were a few at the last portion on July 11. Jarzembowski said he would propose the joint meeting for Wednesday, August 3, at 5:00 P.M. before the township board meeting.

Meeting adjourned at 9:59 P.M. The next regular meeting is July 25 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 Hanson/Rausch to close the public hearing.