

SAUGATUCK TOWNSHIP PLANNING COMMISSION

July 25, 2005

The Saugatuck Township Planning Commission met on July 25, 2005, at the township hall, Blue Star Highway, Saugatuck, Michigan 49453.

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

Absent: Darpel and Olendorf

Also present: Planner Sisson, Fred Emmerich for Deep Harbor Marina, Richard Meckley and Thom Carpenter for Sanctuary PUD, Deb and Pete Colvin for Kingfisher Cove, David Calvano for Vano rezoning, and various members of the general public.

Chairman Milauckas called the meeting to order at 7:05 P.M. and decided to postpone consideration of minutes until the end of the meeting.

Public Comment: Gerrit Sturuss, 6377 Old Allegan Rd., wondered why there was no hearing for a SAU for a home occupation beauty shop in his neighborhood, which is disturbing his quality of life. Milauckas said the hearing, which was to be held tonight for a SAU for Mary Townsend on 64th St. became unnecessary when she decided to add on to her home for the beauty shop instead of building a separate building. Milauckas added that Sturuss could check with Z. A. Ellingsen about the other home occupation in his neighborhood.

Milauckas read a letter from Lillian and Ed Fencl, dated May 16, in which they expressed concern over the many lot splits on Lake Shore Drive south of the washout and the resulting excessive Lake Michigan access. Milauckas said these were issues which should be addressed by the P.C.

At 7:13 P.M. Milauckas opened the public hearing on a SAU for expansion of Deep Harbor Marina at 6269 Riverside Road from 116 slips to 141. Commissioner Hanson recused himself since he lives across the street. A quorum remained. Milauckas verified that neighbors had received the notice, and Secretary Rausch read the published notice from the newspaper. Fred Emmerich, 3301 Woodhams Dr., Portage, MI., who developed the marina in 1987 and who is the owner, said the 116 slips have been approved on the marina operating permit. Ninety-one have been built. He said he had to resubmit to the DNR and Army Corps of Engineers, since he did not build all of them originally. He received approval in February, 2003, for which public notice was made and there were no comments pro or con. He wants to build 25 slips, 24 of them floating, which will complete the marina, and he has permits from the DNR. He displayed the site plan and said the township has the original.

Marczuk asked why he did not go ahead in 1997, and Emmerich said he didn't know the township required a developer to begin the project within a year or two and he wasn't ready then. He added that now he was ready to complete the project within the next year. Marczuk asked how many docks he has sold, and Emmerich said 61, but he didn't know whether to sell or continue renting the rest. He pointed out on the plan the slips which are existing, where the proposed 25 docks are and where the trailer park next door is, etc. Marczuk asked how deep the water is and Emmerich replied, "Five to seven feet," adding it has been dredged.

When Milauckas opened the hearing to public comment, Dee Dee Hanson, 6288 Riverside Road, asked if there would be any dredging because she was concerned about parts of Riverside Road caving in. She said trees along the road are dying. Emmerich said there would be no more dredging. She further asked about parking

along the road, and Emmerich said he had 190 parking spaces on his property now and room for overflow. Spaces are not marked, however.

Tracy Rutter, 6254 Riverside Rd., complained that there were cars parked in her yard and she had to erect a barrier. She wondered why more docks were needed since only 20 boats were docked there. She maintained the river is not deep, boats get stuck, and the clients make a big racket. Mark Rutter, same address, also complained about the noise, which kept him awake until 3:00 or 4:00 A.M. He added that all this expansion will not be harmonious with the natural area.

John Gay, 6203 Arrowhead Drive, Riverside Estates, disputed the depth of the water and was worried the proposed floating docks would infringe upon the trailer park residents' shoreline use nearby. He asked if the well were adequate for so much expansion, and Emmerich said it is.

Dayle Harrison, Saugatuck, produced a letter from Doug Carter of the Natural Rivers Program, July 1987, when Saugatuck Township Planning Commission denied the expansion of 46 slips to protect the Natural Rivers Overlay environment. The KRPA has opposed this as well. Harrison quoted Ben Zimont of the DEQ as saying this is not a property line issue. Where pilings are is a water property line, so Emmerich has no riparian rights and would be interfering with them. Harrison said he did not think the township had ever approved more than 46 slips, and he maintained this project falls far short of the standards for the SAU, which he quoted.

Milauckas asked what the P.C. had done between 1987 and 1997, and Emmerich replied that in 1991-1992 Zoning Administrator Terry Burns received letters from his attorney and in 1995 the ordinances changed, but "this other stuff was done before that." According to Harrison, there was some question about the ownership of this point where the 25 docks would go. Milauckas said he would check the records of P.C. actions.

Ron Zuverink, Riverside Estates, wondered how the floating dock would be attached, and said every spring the trailer park has some of Emmerich's docks over on their shore because the ice tears them up. He added that there is no current, and with that many more boats the oil slick will be very polluting. Also he said all the added boat props will churn up so much mud it will fill up their boating areas because they are not used as often.

With another comment about why the marina needed more slips when it was rumored the marina was up for sale, Milauckas replied it was not the P.C.'s place to question why a business wants to expand unless abandonment is possible. Emmerich said some people buy more than one slip, but he didn't know how many were actually being used now. He said he is being taxed on every one of the slips, including this floating head dock. Steel pylons will attach the new docks, he said.

Sturru said he wondered if something else is "coming down the road" if Emmerich wants to expand with so few docks being used because it is not a good boating river. Emmerich said the association keeps the channel marked. He pointed out all the development going in the area and said he got a lot of requests from people who have pontoon boats because they do not want to go downtown.

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

Sisson stated that the ordinance requires 1.5 parking spaces per boat slip so he would need 211-216. He said it is not in the township's jurisdiction to negotiate traffic in the river, but he was primarily concerned with the land side work necessary for this expansion. Milauckas asked Emmerich if he had consulted with Z. A. Ellingsen

and he said he had, but he did not think he needed the usual information because the marina is in and working and the township has all the necessary documents for the condo association

Jarzembowski was concerned about the still water and pollutants used to clean boats, judging by the glaze on the water near docks in Saugatuck. Rausch and Milauckas thought the history of this project needed to be researched. Parking space determination was questioned, and Emmerich said Mitchell Survey took the square footage to calculate it. Upon questioning by Marczuk, Emmerich said boat trailers go in the upper lot where the drain field is, and a fee is charged. Sisson wanted that pictured on the plan. Marczuk asked what Emmerich would do to curtail the noise factor. Emmerich replied he did not hear all that noise, but there is a condo association to take care of it. The pool is shut down at 11:00 P.M., and he added the police have never been called about rowdiness.

Marczuk made a motion to table this application to August 22 until a new site plan can be provided by Deep Harbor showing parking square footage, driveways, boat ramp, etc. and until a history of township action on this project can be researched. Rausch seconded, and the motion carried.

Hanson resumed his seat on the P.C. and Milauckas opened discussion on Meckley Development LLC's Sanctuary mixed-use PUD on Blue Star Highway. Thom Carpenter referred to a resolution containing written responses to Sisson's memo of July 22 when he explained the commercial area has gotten slightly larger than originally proposed. It has been moved out of the 70-foot setback with most of the parking behind the buildings, the warning sign for bicyclists is being designed, and the pedestrian path alongside the private road will be of shredded bark, but there will be no path connecting the commercial and residential areas. Carpenter asked that the item requiring the open space be placed in a Conservancy Easement with Saugatuck Township be removed because it would be an encumbrance to development and marketing, and the documents he provided require a deed restriction to secure the open space in perpetuity. Hanson said he didn't know whether the Conservancy Easement suggested by Sisson was stronger than condo documents, but he understood from previous conversations on this P.C. that a condo association can change the documents in the future. Meckley said a PUD is a contract with the township, but his marketing adviser suggested a Conservancy Easement would scare buyers off because the government would be involved with their land. Sisson said it would simply guarantee that the township or a third party overseer would have to be notified if any changes were contemplated by the condo association. It would also open it up for civil action. Meckley asked why he couldn't put it in the Grand Traverse Regional Land Conservancy in which he is a member, and Milauckas said he could. Marczuk and Hanson thought because the Planner has experience with this, his advice should be followed, and Milauckas cited Sec. 40-190 as authorization. However, after some discussion, it seemed to be generally thought that more study should be devoted to the conservancy easement issue and guidelines set forth.

Rausch asked if the commercial property is outside the condo association. Meckley said it would be in the PUD, and Carpenter said there will be separate ownerships, two condominium associations. It will be necessary to return to the P.C. for a site plan review for the commercial parcel with documents or deed restrictions. Meckley said they would like to retain the same control over both parcels.

The P.C. proceeded to amend the attached resolution to grant approval as follows: Page 3 change the name of the developer to "Meckley Development LLC;" page 4 under A add "3. Pedestrian Sign Detail, as submitted on July 27," and remove "n" from the fourth line up; page 5 D delete "of" in the first line; page 6 next to last line strike "t," last line of D change "Ottawa" to "Allegan," and G combine "pertaining;" page 8 strike the last sentence of J pertaining to the Conservancy Easement; page 10 delete P and in last paragraph capitalize

Sanctuary. With that Hanson made a motion to adopt the attached resolution on Sanctuary PUD as modified at this meeting after review of the standards, Rausch seconded, and a roll call vote resulted in unanimous approval.

Milauckas invited Kingfisher Cove mixed-use PUD representatives, Pete and Deb Colvin, to give a final review of the changes made to satisfy P.C.: easement to VanderBeek's property from 136th Ave. covered by pavement, Blue Star entrance also paved, and commercial and residential adjusted to accommodate these drives, all approved by the road commission; area for disturbance for the construction of homes near 136th Ave. is 40 feet from the road; no clearing will be done on the commercial portion until site plan approval for it; paths and a tree survey are shown on the plan. The path to Lake Goshorn is moved to the side away from VanderBeek's property. VanderBeek will also have sewer and water and paved roads to both 136th and Blue Star which will be maintained at no expense to him, Colvin said. He explained that some of the by-right uses in C-1 were deleted from the list he provided, but he asked that the following be added: food market/deli, general office, medical office, live-work structures, and garage/storage structure to serve residents. When Sisson asked if this meant there would be more than one commercial structure and several uses, Colvin replied that the size, 56,562 s.f., almost half of which is wetlands, does not permit a very large structure. He added they envision three or four units in the front of the structure for retail, with apartments above, and storage in the rear. Hanson pointed out that the language describing the uses did not jibe with the language of the ordinance. He also wondered if traffic would use these drives as a short cut from 136th to Blue Star, but Colvin said there will be four stop signs so it won't be a fast trip. Carpenter said the DEQ has reviewed the crossings over the wetlands, none of the homes is placed in a wetland, and there will be no basements. Carpenter conceded that if the homesite locations had to be moved, they would have to return to the P.C. Storm water would be funneled from roads into shallow swales, from there to wetlands to filter it before it enters Lake Goshorn, according to Carpenter's discussion with the Drain Commissioner. Rausch asked about open space preservation, and Colvin said all open space is wetland. Carpenter said documents have not been filed, but all open areas shall remain in their current natural state. He added that the township has previous experience with Hidden Dunes, the same kind of development by the same developer and builder. Sisson brought up access to Lake Goshorn, and Deb Colvin said the boardwalk would provide viewing and perhaps fishing, but it's swampy, not a good place to go into the water, and docks are not planned. There is a swimming pool in the development. Sisson thought it should be stated one way or the other, whether docks are allowed on Lake Goshorn.

Hanson read the list of items Sisson should include in a resolution approving the Kingfisher Cove mixed-use PUD: 1. To C-1 uses listed add attached accessory apartments and dwelling units associated with business, professional and public offices, and garage/storage structure for use by Kingfisher Cove and Hidden Dunes residents; 2. Conservation language; 3. Proposed lighting; 4. DEQ and Drain Commission approvals; and 5. Provision disallowing docks on Lake Goshorn. Because roads must go in before November and other approvals must be secured, Colvins wanted P.C. approval as soon as possible.

Hanson made a motion to direct Sisson to write a resolution approving Kingfisher Cove mixed-use PUD subject to stipulations laid out above and review of standards, etc. at the next meeting. Jarzembowski seconded and the motion carried unanimously.

Milauckas stated the township board has returned to the P.C. the question of rezoning from A-2 to R-2 of an area on Riverside Road owned by David Calvano, which the P.C. denied on May 23. Hanson reviewed the objections to changing the zoning: 1. Losing the natural environment and wildlife of the area; 2. Safety where speed is 55 mph and blind curves are at each end of this portion of Riverside Road; and 3. Security because outsiders would park to launch their canoes. Hanson said he did not object because he didn't think Calvano

should have docks there, but he thought Calvano should admit to his buyers that this portion of the river is not for anything but lightweight non-motorized watercraft. Gerrit Sturrus said it's even a poor place for those. Gregg Raad reminded the P.C. that this is just for rezoning, and all the other questions would have to be answered at a site plan review. The P.C. proceeded through the seven questions for rezoning. Sisson said A-2 does not allow reasonable use of the property, which is very low and narrow along the Kalamazoo River, whereas R-2 would. Hanson said some would say docks are not a reasonable use there because the water is so shallow.

Marczuk made a motion, seconded by Milauckas, to recommend approval of the rezoning from A-2 to R-2 of the property belonging to Calvano along the Kalamazoo River on the weight of the township board. Jarzembowski questioned "the weight of the township board" because he said the only thing the township board considered was the letter from Atty Bultje on the subject. Hanson quoted the letter as saying the board asked for Bultje's opinion. Milauckas wondered who asked for Bultje's opinion. In a roll call vote, Hanson, Rausch and Jarzembowski voted NO and Marczuk and Milauckas voted YES. The motion failed.

Hanson made a motion to affirm the original decision to deny the rezoning, seconded by Rausch. In a roll call vote, Hanson, Rausch and Jarzembowski voted YES and Marczuk and Milauckas voted NO. The motion carried 3 to 2.

Jarzembowski confirmed that there will be a joint meeting with the township board at 5:00 P.M. Wednesday, August 3, to discuss the recent public hearing on zoning amendments.

Minutes of July 11 were amended as follows: Page 3, next to last paragraph add at the end of the last sentence "and Milauckas asked Fencl to go to the township board" and correct spelling of Fencl. Hanson made a motion to approve the amended minutes, and Jarzembowski seconded. The motion carried.

Rausch made a motion to approve the minutes of July 18 as amended on page 1 middle paragraph by substituting after "Jarzembowski said," "the state police and sheriff's department advised" for "he thought." Milauckas seconded and the motion carried.

Milauckas opened the meeting to nominations for officers for the new year, stating that Olendorf would not be continuing after this year and for Vice Chair the P.C. might want someone who could become Chairman later. Rausch nominated Hanson for chairman. Marczuk nominated Darpel, but Milauckas said Darpel and Olendorf had told him they were too busy, so Marczuk withdrew the nomination. Hanson nominated Marczuk. A paper ballot produced a 4 to 1 vote for Hanson. Marczuk was named Vice Chair by acclamation, and Rausch was named Secretary also by acclamation.

New officers: Chair, Jim Hanson; Vice Chair, Dan Marczuk; and Secretary, Sandy Rausch.

Hanson applauded Milauckas as being hard act to follow, as being a good listener, as having an understanding heart, as being a patient person, and the storm drowned out the rest of it.

Meeting adjourned at 11:53 P.M. The next meeting is a joint meeting with the township board at 5:00 P.M. August 3. The next regular meeting is August 22 at 7:00 P.M.

Betty A. White, Recording Secretary

Sandy Rausch, Secretary

MOTIONS

1. Motion by Rausch/Jarzembowski to close public portion of hearing on Deep Harbor Marina's request for expansion to 141 slips.
2. Motion by Marczuk to table Deep Harbor until a new site plan is provided and history of township action on the project has been researched.
3. Motion by Hanson/Rausch to adopt attached resolution approving Meckley Development LLC's mixed-use PUD Sanctuary on Blue Star Highway.
4. Motion by Hanson/Jarzembowski to direct Sisson to write resolution approving Kingfisher Cove's mixed-use PUD on Blue Star Highway, subject to stipulations made at this meeting and review at the next meeting.
5. Motion Marczuk/Milauckas to recommend rezoning from A-2 to R-2 of property belonging to David Calvano on Riverside Road on the Kalamazoo River. Failed 3-2
6. Motion by Hanson/Rausch to affirm original decision not to recommend rezoning Calvano's property from A-2 to R-2. Carried 3-2.
7. Motion by Hanson/Jarzembowski to approve amended minutes of July 11.
8. Motion by Rausch/Milauckas to approve amended minutes of July 18.
9. New officers elected: Chair, Jim Hanson; Vice Chair, Dan Marczuk; Secretary, Sandy Rausch