

SAUGATUCK TOWNSHIP PLANNING COMMISSION

September 26, 2005

The Saugatuck Township Planning Commission met on September 26, 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, Jeff Klemm for Maxwell Development, Chris Gorgas and Tedd Oyler for Goshorn Woods, John Balmer of Jet Construction and Development, a reporter and various members of the general public.

The meeting was called to order at 7:07 P.M. by Chairman Hanson. Milauckas made a motion to approve the minutes of the workshop meeting of August 31. Rausch seconded and the motion carried.

During the public comment period, Dayle Harrison, 3108 62nd St., presented the commission members with a letter containing information on conservancy easements. Dan Shanahan, 290 Crest Rd., asked if the area around the boat works on the Denison property could be zoned commercial so the public would have access through that area to walk the breakwater along the channel. Milauckas said he thought the public would have to purchase it first and Sisson agreed.

Hanson said he had a letter from Lou Spencer about the overflow parking issue at Clearbrook. He also received a letter from Senator Birkholtz about changes to Exit 41 and a letter from DEQ about OxBow excavations which might result in changes to their plan. He announced a meeting Oct. 31 at the Dumont Lake county complex with the Land Information Services and training opportunities through MSU and the American Planning Association.

At 7:20 P.M. Hanson opened the public hearing on Maxwell Development's proposed site condo located on 130th Ave. and I-196, including 53 acres, 45 of which are in the township and the remainder in the City of Douglas. Hanson stated that the necessary notice has been made, and Secretary Rausch read the newspaper notice. Jeff Klemm explained that the township portion is in the process of being rezoned from A-2 to R-1 and the project will be called Orchard Valley. The two-phase residential development would comprise 62 lots total, and 129th Ave. would serve as the entrance/exit for the second phase. Thirteen acres would be devoted to a park. He said the plan he was displaying, dated Sept. 22, included a bike path which was not on the plan he provided the P.C. Jeff Vos continued the presentation to say that the project would include public sewer/water, and looping within the development would allow for the entire project to be served, as he understood from Desmet of Kalamazoo Lake Sewer and Water Authority. Vos said the trees along I-196 would be retained and a berm created for a sound barrier with additional trees. He added there are some lots that must be altered because they are less than 100 feet wide at the rear line. Sisson said the first thing that must happen is the City of Douglas must give its approval. All of the Douglas portion is in Phase I. Sisson said he thought the open space requirement has been complied with, but there is no indication how the open space will be used. He recommended that the temporary cul-de-sac be created in Phase I for the benefit of emergency vehicles. Vos demonstrated how the storm water would be collected in detention ponds, and Milauckas was concerned about one of the ponds being within one of the lots. Vos stated that it will be a public road and must comply with County Road Commission regulations. Jarzembowski said he had an issue with possible contamination from

the former orchard that existed on the property, and Vos said an environmental consultant is testing and they have a draft mitigation plan but it is not ready to be submitted. Rausch asked what kind of entrance was planned, and Klemm said it had not been finalized but lot 1 could be left as orchard. Sidewalks are planned in the ROW. Olendorf wondered what time frame Klemm envisioned for the project, and he said Phase II should start 24-30 months after completion of Phase I, depending upon the market. Olendorf said he was not comfortable with an open-ended approval, and Sisson said the P.C. could give preliminary approval for all the phases and then final approval for Phase I, with some kind of time limit on beginning Phase I. A letter from the Fire Department showed a fire hydrant in front of lot #56.

Hanson opened the hearing to public comment, and Dayle Harrison said he was confused as to why this project was being considered so soon because the property has not as yet been rezoned to R-1, Douglas has done nothing with its portion, important information is not yet available, the open space calculation is questionable, a complete environmental assessment of contaminants can be required, and an investigation should be made to see if there are wetlands.

Milauckas made a motion to close the public portion of the hearing, Marczuk supported, and the motion carried.

The Commissioners considered Article XIII and Sisson listed several items missing from the plan which are required in Sec. 20-126. Olendorf made a motion to table preliminary approval of Orchard Valley site condo until the next meeting. Jarzembowski seconded, and the motion carried. Commissioners listed the following items needed: Rezoning, City of Douglas approval, adjustment of lot sizes, environmental analysis, open space calculation affirmed, berm at property line for the drain, Road Commission and Drain Commission approval, wetland delineation, Phase I open space increase and credit for Phase II, time frame for phases, and Master Deed limits on uses of open space.

After a brief recess, the meeting resumed at 9:06 for a public hearing on John Balmer's proposed PUD site condo at 66th St. and 127th Ave. in A-1. Secretary Rausch read the notice published in the newspaper. Thirteen single-family home sites are planned for the 32.5 acres, with 12.6 acres in open space. Previous land divisions at the end of the proposed private road were approved last year and five parcels remain outside the PUD. Secretary Rausch read a letter from Z. A. Ellingsen, dated September 26, in which he apologized for giving incorrect information to Mr. Balmer in regards to the use of his land. Ellingsen suggested a ZBA interpretation. Sisson said the township has the same scale as the state for land divisions, Sec. 40-140, and the yield for the entire 46-acre piece of property is 18 lots of 2-1/2 acres each. Balmer shows 18 lots, but the issue is how he creates them because of the sliding scale. However, Sisson said because it is being offered as a PUD, the P.C. has the discretion, but Hanson was hesitant to make a decision that the P.C. was not sure they could make. With Milauckas' questioning, Sisson explained that by looking at the parent tract in 1997, land division would produce 9 parcels and ten years later another 6, making 15 total. Balmer reviewed his discussion with Ellingsen for the Commission.

After some discussion it was decided to go ahead with the public hearing and then ask the ZBA for a ruling on whether the P.C. has the discretion to approve the plan. With that Hanson opened the hearing at 9:40 P.M. and Jeff Vos gave an overview of the plan: a private road to cul-de-sacs, on-site septic systems and wells; all 18 lots are to be part of the site condominium and participate in the maintenance and operation of the open space. Although the County Health Department has visited the site, according to Balmer, there has been no soil erosion and sedimentation tests for construction of the ponds, nor examination by DEQ for wetlands, and no submissions to the County Drain Commission. Balmer said the ponds, one of which is already existing, will be

12-14 feet in depth, and Sisson said grading must be shown. The house on lot #13 will remain and has a drive already to 66th St., whereas Sisson thought it should be accessed only from the private road. Bob Ragina, 6757 126th Ave. said there is an open county drain running north to south and that he put in the road between lots #7 and 8 to open it up and get rid of stumps. Rausch asked about the entrance, and Balmer said he had put in a berm with a stone engraved with the name "Serenity Pines," to be surrounded by pine trees. Vos said they had permits from the Health Department and Road Commission. Hanson said if they had come to the P.C. before creating a 66' swath into the property, the P.C. would have tried to discourage that width.

At 9:51 Hanson called on Atty. Mark Sevald from Grand Rapids, representing the adjacent property owner, Bruce Gould, who introduced a planning/zoning administrator and consultant, Geoff Moffat. Sevald provided the P.C. with Moffat's memo, and Moffat displayed an aerial map of the area in question. Moffat maintained that nine lots is all this property is entitled to; the site condo PUD cannot be approved in A-1; surrounding property is farms, sparsely settled; there is no potential for public utilities on 20,000 s.f. lots, gravel roads would serve the land divisions if it is not a site condo; a 3100' private road is unusual; PUD objectives have not been met (Sec. 40-780); according to his information from John Johnson of the Health Department, there was a general evaluation two or three years ago with no commitment; there is concern about high water and wetlands.

Harrison said he thought there should be a wetlands study, there might be a need to recalculate the density because of water on the site, and there are options to rearrange lots.

Olendorf asked Moffat if he was saying nine lots was the limit, and Moffat said yes. Sisson asked clarification on the PUD and Moffat's interpretation, and Moffat said he did not understand the Zoning Ordinance to allow reduction of lot size in A-1 from 2-1/2 acres, no matter what. Milauckas pointed out that overall density is not being increased, and the P.C. had the intent of clustering housing to allow rural atmosphere to remain. Sisson said one or two of these lots could be split 10 years from now to make 15 lots; why not now?

Balmer pointed out that there are some housing developments nearby, within a half-mile to a mile away.

Sandy Shanahan, 290 Crest Rd., said she thought it was unfortunate that Balmer invested a lot of money to purchase property based on misinformation.

Milauckas made a motion to close the public portion, Rausch seconded and the motion carried. Sisson said the maximum probably should be 9 lots from the original 45 acres, and another 6 after 10 years, making a total of 15 lots. Tedd Oyler, chairman of the ZBA, said the zoning administrator has requested a ZBA interpretation already. Milauckas wanted it to be clear that the applicant would not be charged for the ZBA meeting.

Olendorf made a motion to table Balmer's PUD site condo application until the ZBA can determine how many building sites are permissible and whether the planning commission has the discretion now to grant the additional splits which would be allowed after 10 years. Rausch seconded and the motion carried.

The commissioners commiserated with Z. A. Ellingsen over his mistake and did not want him to resign.

After a brief recess, the meeting resumed at 10:45 for a public hearing on an application by Chris Gorgas and Tedd Oyler for a PUD condominium called Goshorn Woods on 135th Ave in the R-1 zone. Secretary Rausch read the public notice from the newspaper. This comprises 40 living units with a 2.1-acre park and 8 acres of preserved woodland. Milauckas recused himself from discussion and voting on this project because he was

noticed as a neighboring property owner. Oyler explained that they were trying to develop a neighborhood for young families, starter homeowners, downsizing homeowners. He lives nearby. Gregg Raad, Nederveld Associates, continued the description, saying Goshorn Creek flows adjacent to this property. The site is forested with scrubby pines, so a buffer will surround the buildings which will be built in a rectangle around the park in the flat area. Sidewalks and private drives, public utilities, villas and row houses are featured. Drainage will be achieved by bioswales and rain gardens filled with plants that like water, some holding areas, and then funneled to the ditch along 135th Ave. Density could be 60 units on this acreage.

Sisson reviewed the single-family home and light commercial uses surrounding this project and thought the intersection of Blue Star highway and 135th Ave. and 65th St. ought to be reconfigured for safety. He suggested rearranging some of the parking around the park, adding angle parking in some places to slow traffic. Jarzembowski said the roads could be entirely behind the buildings on either side of the park. Raad said putting the road on the interior makes a more pleasing neighborhood experience than relegating the roads to the rear. The entrance is a boulevard with a mailbox and bus shelter. Gorgas said they were under the assumption that because this is a PUD, the fact that one corner of the property lies in the C-1 zone would not affect the use they have proposed. Sisson agreed that residential is permitted.

Hanson opened the hearing to public comment, and John Helmrich, 3522 64th St., said he hoped the buffer would be left natural because the side he sees is hardwoods populated with turkeys, deer and other wild animals. He didn't understand the desire to make it seem urban. He wondered if there has been an impact study on the effect on Goshorn Creek. He suggested that there are not many rural areas left between here and the bridge. Gorgas pointed out that Helmrich did not border this property, but was one lot away. Milauckas asked how much will be clear cut for the entrance, and was told roughly 90 feet. He said he would like the view into the development to be minimized.

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

Olendorf made a motion to approve, based on review of Secs. 40-772 and 40-779, the preliminary plan for Goshorn Woods PUD condominium, with the following conditions: (1) that public water and sewer are required; (2) that a sodded gravel access be made from 65th St. or 135th Ave. for emergency vehicles; (3) that hardwood trees be identified and preserved and some areas be enhanced where screening is needed; (4) that lighting and signage appear on the final plan; (5) and that Drain Commission and Road Commission approvals be secured. Rausch seconded, and the motion carried. Hanson wanted to ask Roerig if something could be done to make the intersection of 135th Ave., 65th St., and Blue Star Highway safer.

Milauckas rejoined the panel of commissioners and a decision was made to meet Monday, Oct. 10 at 7:00 P.M. to discuss the amendments to the zoning ordinance. There was a brief discussion of Milauckas' e-mail.

Meeting adjourned at 12:00 A.M. The next workshop meeting will be Oct. 10 at 7:00 P.M. The next regular meeting will be October 24 at 7:00 P.M.

Betty A. White, Recording Secretary

Sandy Rausch, Secretary

MOTIONS

1. Motion by Milauckas/Rausch to approve minutes of August 31 workshop meeting.
2. Motion by Milauckas/Marczuk to close public portion of hearing on Maxwell Development's site condo.
3. Motion by Olendorf/Jarzebowski to table Maxwell Development's site condo to next meeting.
4. Motion by Milauckas/Rausch to close public portion of hearing on John Balmer's PUD site condo on 127th and 66th.
5. Motion by Olendorf/Rausch to table Balmer's PUD site condo to ZBA decision on number of splits and on discretion of Planning Commission to maximize.
6. Motion by Rausch/Darapel to close public portion of hearing on Goshorn Woods PUD condominium.
7. Motion by Olendorf/Rausch to approve preliminary plan of Goshorn Woods PUD condominium, with a list of recommendations.