

## SAUGATUCK TOWNSHIP PLANNING COMMISSION

November 28, 2005

The Saugatuck Township Planning Commission met on November 28, 2005, at the township hall on Blue Star Highway, Saugatuck, Michigan 49453.

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

Absent: Olendorf

Also present: Z. A. Ellingsen, Planner Sisson, Carpenter and Muusse for Indian Point Site Condo, Klemm and Vos for Orchard Valley Site Condo, and members of the general public.

Chairman Hanson called the meeting to order at 7:02 P.M. and Milauckas made a motion to approve the minutes of November 10 as amended to add "institutional" to the uses listed on page 2, line 4. Rausch seconded and the motion carried.

Public comment: Linda Salisbury, 6364 Silver Lake Drive, asked if the commission would be accepting questions from the public regarding Indian Point Site Condo, and Hanson said it would.

Correspondence: Hanson reported having written to Quade, who then wrote to the Allegan County Road Commission, about concerns regarding the impact developments along Blue Star will have on its intersection with 135<sup>th</sup> Ave. When a traffic study was mentioned, Sisson reminded the commission of the Blue Star Corridor study and the traffic and access studies that were made at that time, which should be in the files. Hanson also reported that the Clerk of Manlius Township announced a public hearing Nov. 7 for the request to rezone a property on 60<sup>th</sup> St., 1/4 mile north of Old Allegan Rd. Milauckas wondered if that is the method some jurisdictions use to notify, leaving it to the neighboring township to contact property owners, and Hanson said he would give the message to Ellingsen. Hanson read a letter he sent to the other planning commission chairmen on this subject.

Hanson invited Thom Carpenter, representing Robert Muusse's Indian Point Site Condo project for 18 homesites, to continue his presentation from October 24. Carpenter reported changes as follows:

1. Septic tanks will be installed on the top of the ridge, drain fields below the ridge, and one more boring must be made for wells before approval comes from the Health Department;
2. An additional structure will be installed to slow down storm water along the road;
3. Muusse has sent letters to neighbors about private road maintenance among 8 members but has not heard from any of them (Salisbury explained that the maintenance would be divided pro rata; that is,  $23 + 18 = 41$  parts, so this project would pick up 18/41 of the whole. She added that Webster, the current owner, has never contributed to the maintenance in the past, so there might be a lien for past dues.);
4. Research of DNR claim has resulted in a quit claim deed for the small piece of disputed property to DNR, and none of the lots or open space is affected in the project;
5. Ellingsen confirmed, adding that Dayle Harrison agreed, that the project does not lie within the Natural Rivers Overlay District;
6. Muusse agrees to require sprinkler systems in all homes and to join a special assessment district to address the need for a second access to the whole area because of the requirement of the International Fire Code, which was adopted by the township this summer. A memo from Atty Bultje, dated November 23, which suggested these solutions, was examined.

Salisbury presented a map of the entire 500-600 acre area showing the numbers of developments on a dead-end road, containing 165-180 houses, the majority of which were constructed before the year 2000. In opposition to Atty Bultje's assumption in his memo, she said the only development approved since 2000 was Lighthouse Point. There remains enough undeveloped property for another 200 homes. She said her concern is for health and safety for residents in emergency situations. She added that several of the reserve tanks for septic go down to 590' elevation, within 3 feet of the flooding she experienced when the Allegan Dam was opened. When Milauckas asked her what she suggested to do about a second access, she said she thought development should be stopped.

There was a feeling among the commissioners that the access issue should be studied by the township board, this commission and the fire department together. Carpenter pointed out that there have been land divisions and individual construction permits issued in that area since the IFC code was adopted.

Harrison reviewed the beginnings of the density problem and said increased green space and no-cut areas next to the river should be included with the increases to lot sizes. He thought this plan for Indian Point was potentially more destructive than earlier plans for the PUD.

Hanson reviewed the conditions made by this commission on the proposed Indian Point PUD in October. Hanson reviewed also the procedure so far on this project and concluded that advice from the planner and attorney is that it meets the ordinances; therefore, the PC should proceed in some manner toward a preliminary approval. Hanson said he does not think the IFC says there should be no development in this area, as Fire Inspector Janik has stated in his letter of October 19, but rather that if the developer plans without considering two accesses if possible in such an area as the one in question, that violates the IFC. A question came up about whether the township board actually studied the IFC before adopting it, whether it now becomes part of the Zoning Ordinance and must be enforced, and whether the Fire Chief can veto a PC decision on development. Ellingsen said he could ask for a legal opinion if the Fire Chief vetoed.

Rausch made a motion to approve the preliminary plan of Indian Point Site Condo, dated 9/26/05, with the following conditions:

1. Approval from the Health Department with confirmation letter on the relocation of septic tanks on top of the bluff and on septic-well separation;
2. Approval from the Drain Commission;
3. Interior sprinkler systems be required in residences;
4. Agreement to special assessment district for developing adequate access to the development, which might mean road and right-of-way improvement and underground utilities;
5. Approval of Fire Marshall or legal counsel that this development can proceed in satisfaction of the intent of the International Fire Code despite the lack of additional access routes to the entire Indian Point neighborhood;
6. Existing road maintenance agreement for Silver Lake Drive be continued;
7. Pedestrian path provided between lots #13 and #14;
8. Restrictions be made on deeds to require perpetual preservation of open space;
9. Use and maintenance agreements be made for Red Oak Drive;
10. Quit claim deed be given to DNR as result of revision of legal description; and
11. Maximum of 40-foot clearing for Red Oak Drive, except where necessary to avoid large trees.

Marczuk seconded the motion and a roll call vote produced a unanimous approval.

After a brief recess, the meeting resumed to consider Klemm's revised site plan, just presented tonight, for Orchard Valley, lying in both Douglas and the township. Vos said they have reconfigured the lots to solve the non-diminishing lot issue. Klemm said he was here for final approval of both phases with a 36-month time limit on construction and conditioned on final approval from the City of the Village of Douglas. Sisson brought up the bikeway proposed by the City, whether it would be public and how to maintain it. Vos said they could grant an easement for it. Questions arose about the odd configuration of some of the lots, leaving small chunks of "open space," and it was decided to close up gaps between lots #48 and #49 and between #51 and #52 and put the bike path between #21 and #22. Klemm said he would soon meet with a landscaper to figure out how to delineate the walkways, bike paths and open space with landscaping or signage. Sisson brought up water main issues and said he hasn't seen the Master Deed provisions on use of the park, restrictive covenants, etc.

Rausch made a motion to table Orchard Valley to the December 12 meeting at the high school. Milauckas seconded and the motion carried.

The Commissioners discussed budgeting for the PC, beginning with a letter Hanson had written to the township board requesting a total of \$21,480, including \$11,600 in reimburseable items.

Hanson said he got a phone call from a lawyer, Steve Newmar, who represents the man who is buying part of the Denison property. He said Newmar called the proposed rezoning of the area a "sudden move," adding that he would like to have been consulted. Hanson observed that no one came to any of the meetings on the subject.

Hanson also said Emmerich (Deep Harbor, which was on the agenda) wrote a letter saying he didn't want to "play this game."

Sisson recommended meeting with the township board over the Indian Point issue of secondary access and the IFC requirements. Hanson said he would notify Bultje that some of his assumptions in his memo were incorrect, that the PC has put it back in the Fire Marshall's lap, and to ask him to read the IFC code to tell the PC what to do about it. Hanson said if the PC has to enforce it, he should have a copy.

Meeting adjourned at 11:10 P.M. The next regular meeting is December 12 at 7:00 P.M. at Saugatuck Jr./Sr. High School.

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Betty A. White, Recording Secretary

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Sandy Rausch, Secretary

### MOTIONS

1. Motion by Milauckas/Rausch to approve the minutes of November 10 as amended.
2. Motion by Rausch/Marczuk to approve the preliminary plan for Indian Point Site Condo with 11 conditions.
3. Motion by Rausch/Milauckas to table Orchard Valley Site Condo to Dec. 12 meeting.