

## SAUGATUCK TOWNSHIP PLANNING COMMISSION

April 28, 2003

The Saugatuck Township Planning Commission met on April 28, 2003, at the township hall on Blue Star Highway, Saugatuck, Michigan 49453.

Present: Darpel, Milauckas, Olendorf, Phelps, Rausch, Shanahan and Smith

Absent: None

Also present: Planner Sisson, Peter Colvin and Greg Raad for Log Home Villages, Mark Dyer for Stewartia Studio home occupation, and various members of the general public.

Chairman Milauckas called the meeting to order at 7:10 P. M. Mark Dyer's home occupation was added to the agenda. Shanahan made a motion to approve the minutes of April 21 and Smith seconded. The motion carried.

R. J. Peterson was on the agenda for public comment, but he was not present. Milauckas called for any other public comment, and Dayle Harrison, 3108 62<sup>nd</sup> St., Kalamazoo River Protection Association, asked for greater coordination between the Zoning Administrator and the Planning Commission in implementing conditions set upon the approval of site plans. He gave the example of the Heron Bay development where he said the natural vegetation was supposed to be left in place along the river. He said the Z.A. told him he could not enforce that, and the Township Board was not sure they could enforce the P.C. conditions. He also asked that a written response be made to the KRPA when they bring something to the attention of the Z. A. Sisson agreed that violations of the site plan should not be allowed. Milauckas said the P.C. tries to follow up on issues like that and encouraged Harrison to continue to bring them up.

Milauckas opened the public hearing on an application for the PUD for Log Home Villages of Saugatuck proposed for the former Walker's Landing just west of the Deep Harbor Marina on Riverside Road. He explained that this is a preliminary plan review pursuant to Ch. 8, which requires a two-step process for ultimate approval of the project. Secretary Smith read the notice published in the newspaper, and Milauckas verified that all legal requirements for public notice to the neighbors had been fulfilled. He added that in spite of the information in the public notice, this is not a site condo, but rather a single-family detached condominium project. In Z.A. Ellingsen's letter he stated that Atty Bultje advised that this misinformation has no effect on the public notice requirements.

Peter Colvin of Log Home Villages of Ada, MI, explained that the condominium was proposed on property owned by Fred Gerigery, with homes to be built by Heritage Log Homes of Fennville. He said after consulting with Ellingsen, he changed the plan from 13 homes to 10, with one extra home on another lot on Riverside Rd., making 11 altogether. Greg Raad of Nederveld Associates said the condominium involved ownership of the building only, the grounds surrounding each home being owned in common by the association, although there is a limited common area near each for entrance and parking. The tall trees would be preserved, and roads and driveways would be gravel. The main entrance will be an improved 22-foot gravel road, as will the spurs which access more than one home, whereas the driveways will be 16-foot. He explained that Ellingsen advised taking the 15.5 acres and dividing by the 1.5-acre minimum to arrive at the 10 possible homesites. As far as utilities go, electric lines and propane tanks will be underground. Two types of septic systems are possible: individual, with lift pumps for those four homes nearest the river, or community. The latter is shown on the plan, but both types were acceptable to the Allegan County Health Department. The Township Board will have to sign an agreement for the community septic system. The community well was of concern to the Health Department, but Raad maintained that the existing well could provide for the 10 units.

After questions, Raad highlighted the main roads with green to indicate which would be 22 feet wide. There was a letter from Fire Chief Block, dated April 28, stating that roads should be wider for fire protection. Smith asked for more information on the agreement required of the Board on the community septic system, and Raad explained that if the homeowners neglected to maintain it, the township would have to take it over and assess those homeowners to repair and maintain it. Smith wanted to know if this type of system has been used before, and Raad assured her it has, referring to Clearview and Ravines systems. Olendorf wondered how long this type of community system lasts, and whether bonding should be required. Sisson explained that the state will not approve this type of system unless the township signs off on it.

Smith read one letter from James R. Hanson writing on his own and his mother's behalf, also signed by other neighbors, opposing this development because of its density, given the water and septic requirements, and inconsistency with surrounding neighborhood, the houses proposed at only 1650 sf. She also read a letter from Dayle Harrison for the Kalamazoo River Protection Association recommending that the Natural River Overlay District ordinance be strictly enforced and that an adequate storm water drainage system be required as a precondition for approval of the project. Harrison suggested that fertilizer use be limited. A conservation easement should be registered at the Recorder of Deeds office for the west side of the property. The density should be examined because only 4 units with 150' frontage would be possible, perhaps 6 units if a 900' road were constructed along the east side of the property. With a PUD an incentive for preserving open space could be awarded the developer allowing 7 or 8 units, a 33% increase over the maximum allowed in R-2. Harrison would like a copy of the minutes and final disposition. Milauckas answered that he is welcome to come to the township office within a week of this meeting to get a copy of the minutes.

At 8:00 P.M. Milauckas opened the meeting to public comment. Fred Gerigery, 6322 River Bend Trail, Fennville, said he had walked his property with Johnson of the Allegan County Health Department and did a soil evaluation with him. Johnson thought the community septic system was preferable, because if the individual septic systems fail, it's worse because the homeowners would run out of land. He didn't agree with James Hanson's letter, which characterized the area as being one of predominantly large homes.

Dayle Harrison wondered if this could become a shared condo, which he found less acceptable than a situation where each person owns his own home. He asked that in the future the public notice reflect the fact that a property lies within the Natural River Overlay District. He stated that if the conditions set forth in his letter could be met, he would recommend accepting the project. Milauckas agreed that if the property is in the Natural River Overlay District, that ordinance must be applied. He reviewed the four standards set forth in the PUD ordinance and explained that the PUD gave the Planning Commission some flexibility in placement of structures, frontage, lot size and setbacks, but not density.

Dick Waskin, 6576 Heron Ridge Rd., answered Harrison's reference to riverside vegetation being destroyed in Heron Bay site condo by stating that the association may try to enforce its by-laws, but some homeowners do what they want. He thought the condominium approach would be better for a sensitive riverside development. He reminded the Commissioners of all the resort uses that were made of Walker's Landing in the past and said he thought this use would be less intensive and certainly in harmony with surrounding use.

Gerrit Sturru, 6377 Old Allegan Rd., wondered if there would be docks or piers. Colvin said it would have to be cleaned up first, but he said if the walkway could be restored, it would be retained. He said it was possible the association might decide in the future to build docks, but in the meantime the developer was encouraging the homeowners to patronize the marina next door.

Linda Schulze, P. O. Box 849, Saugatuck, said she was very familiar with the property in question because she used to camp there 10 or 12 years ago and knew that Alice Walker died the winter of 1993-94. It was

not a resort in 1995. She wondered whether the four building sites near the river were in the floodplain. Raad said the 100-year floodplain elevation is 584', and these homes are at 587' to 594.' She was concerned about a septic system located there.

Don Karaus, Ganges Twp., shared an article which promoted the community septic system in Clearview as a plan to imitate.

Brent Sheridan, 6168 Riverside, said he would rather not see a lot of subdivisions in that area because it would change the character. He suggested that hunting and fishing is part of the character of the river, and people who come here from elsewhere should realize that because of the marshes, this activity will continue.

Harrison raised the issue of condo sharing and rentals. Milauckas said there is no control on renting houses, but a condo association can control this. He said anyone may rent his house as long as he does not make a business of it. The area entities are looking at coming up with a uniform control on home rentals.

Colvin replied that this is not a timeshare situation. Harrison said it should be a precondition.

In answer to Gerigery's questions about density, Milauckas stated that if the property were simply divided and only a fourth of it used because of sensitive areas, only a few home sites could be carved out, but with a PUD's flexibility, more homes can be clustered on the buildable areas. As far as the possibility of the units becoming rentals, Milauckas said a provision in the by-laws would be required before the final approval.

There being no further public comment, Olendorf made a motion to close the public portion of the hearing, and Darpel seconded. The motion carried.

Sisson explained the difference between a plat, a site condo and a condominium, adding that it didn't make any difference when it comes to density because R-2 requires 1-1/2 acre minimum lot and does not allow multi-family structures. The only way to vary is to get a variance or use a PUD plan.

Raad said in many communities you make a by-right (sic?) plan, which shows how many units you can get on the land. He said he didn't see in the ordinance a requirement for a by-right plan. He referred to Sec. 8.2C4 where maximum density is described. He also stated that the extra lot (no. 11) on Riverside Rd. would eventually become part of the condominium but was not included in the calculation for the number of units (10). He also referred to the open space bonus. Milauckas said in considering you have almost 16 acres, three-fourths of which are swampland, and you use only a fourth of it to accommodate 11 homes, somewhere the argument fails, and the Commission would have to take a closer look at this proposal. Sisson said the open space bonus is not applicable here. He thought the model home would have to be included in the PUD.

Colvin said they went to Ellingsen, who calculated they could put 10 homes on that site with the single home on the extra lot, and based on his say-so they spent money and time on this, so they would like a yes or no on this plan. They are not interested in coming back over and over to find they could only build 6, because economically 11 is the limit. Milauckas said he appreciated that guideline. Raad also told Milauckas they thought they were doing a site condo and were told a week ago that it is a condominium.

Milauckas directed the Planning Commission to consider the requirements in Sec. 8.02C for the preliminary plan. He wondered about (f) the overall stormwater drainage system, and Raad said the ditches along the road will naturally carry water downhill, but there is no collection area. He added that the final plan will have more detail, and the Allegan County Drain Commissioner will review it. As to how the open space

will be maintained, (l) near the buildings is a mowed lawn, but the rest of the common area is left natural. Phases of development (m) are described in the Narrative Statement accompanying the application.

The Commissioners then reviewed the four standards in Sec. 8.16. Shanahan said he was concerned with the community well because of the water contamination in other parts of the township and one case of a well drying up.

Next Milauckas directed the Commissioners to look at the Natural River Overlay Ordinance, Sec. 4.10, which requires a 200' setback from the river for structures and a 300' wide green belt along the river. Raad said that the homes in the lower area are 540' back. Olendorf asked if the pond is connected to the river. Raad said the river's edge is along the navigable part of the river. Milauckas said the river's edge is the ordinary high water mark, which was discussed at length. Colvin explained that the pond is fed by a stream from across Riverside Rd. and at a certain level it drains into the river, but it does not come back. Milauckas said it did not appear that the Natural River Overlay is involved in the setback. Harrison said he thought the floodplain issue was pertinent. Darpel pointed out that the floor plans call for basements, and he thought they would flood. In the Floodplain Overlay, Sec. 4.08, Sisson pointed out subsection (f), which prohibits the placement of a permanent building unless the lowest structural member is 5 feet above the 100-year flood level as determined by the FIA. Olendorf suggested structures 4, 5 and 6 should be relocated. Waskin thought the ordinance did not apply outside the 584' height level.

Milauckas asked the Commissioners if they thought they could make a decision tonight, and they did not think so. He asked the applicant if he really wanted a definite answer now. Sisson said he wasn't sure what lies in that acreage, but he thought they were within one unit of awarding what the applicant wanted. The applicant said the number of units was the important thing, but if other issues could be ironed out later, he could wait. Olendorf made a motion to table the Log Homes project to the next meeting. Rausch seconded and the motion carried.

After a brief recess, the meeting reconvened to hold a public hearing on the newly recodified Zoning Ordinance. Shanahan made a motion, supported by Olendorf to waive the reading of the public notice. The motion carried. Milauckas distributed the Ordinance and asked the Commissioners to examine Sec. 40-1046 (Article XVI), the table of uses, Automobile/Motor Vehicle repair/service facilities and Automobile Service Stations. The Commissioners agreed on adding (excluding fuel sales) to the first listing and changing the second to Automobile Fuel Stations. The next problem was Autowash, automatic and manual (5), under I-1 SAU only with companion use to automobile service station, etc. It was decided that the note (5) should be placed next to the SAU under I-1 instead of next to the name of the use. Party, convenience store (5): note (5) should be removed from the name of the use and placed next to NO (5) under I-1.

There being no public comments, Shanahan made a motion, supported by Rausch, to close the public portion of the hearing. The motion carried. Milauckas pointed out Sec. 8 which includes definitions of average and finished grade and building height and sets the maximum building height of a one and one-half story residential building.

Rausch made a motion to approve all eight sections of the ordinance to adopt a new code being called Chapter 40. Shanahan seconded and the motion carried.

Milauckas brought up the home occupation, Stewartia Studio, proposed by Mark Dyer, which had been continued from the last meeting. Dyer, having withdrawn the application for a SAU because he is adding on to the home instead of building a detached studio, still requests the additional sign at the south end of the property. He chose the site for the 4 X 6 sign because he did not want to cut down any more trees. It was pointed out that if the studio is moved or ceases operation, that sign must come down. Phelps made a

motion to approve Mark Dyer's sign for his home occupation use, with the conditions that it be 4' X 6' in size, that no other sign be attached to it, that the sign be removed upon termination of the home occupation use, and that he follow the provisions of the Ordinance. Smith seconded and the motion carried.

Milauckas announced that the Commissioners should return the new copies of the Zoning Ordinance to Pat Knikelbine and use the looseleaf version already distributed.

The next regular meeting date was set for May 19 at 7:00 P.M., and the special meeting date was set for May 12, also at 7:00 P.M.

The meeting adjourned at 10:40 P.M.

---

Betty A. White, Recording Secretary

---

Lissa Smith, Secretary

### **MOTIONS**

1. Motion by Shanahan/Smith to approve the minutes for April 21.
2. Motion by Olendorf/Darpel to close the public hearing on Log Home Villages PUD.
3. Motion by Olendorf/Rausch to table the PUD for Log Home Villages to next meeting.
4. Motion by Shanahan/Olendorf to waive the reading of the public notice for the codified Zoning Ordinance.
5. Motion by Shanahan/Rausch to close public hearing on codification of Zoning Ordinance.
6. Motion by Rausch/Shanahan to accept all 8 sections of new code.
7. Motion by Phelps/Smith to approve the sign for Mark Dyer's home occupation with conditions.