

## SAUGATUCK TOWNSHIP PLANNING COMMISSION

August 25, 2003

The Saugatuck Township Planning Commission met on August 25, 2003, at the township hall on Blue Star Highway, Saugatuck, Michigan 49453.

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

Absent: Phelps

Also present: Z. A. Ellingsen, Joe Migas, Dr. Peet, Scott Post (Prein & Newhof), and many members of the public.

At 7:05 P. M. Chairman Milauckas called the meeting to order. He made a motion to approve the minutes of August 18, 2003, and Olendorf seconded. The motion carried.

Public comment: Dr. Thomas Telder, 3409 Elizabeth St., asked if he would be able to open a B&B at his two-family home. He said he could provide parking space. Ellingsen asked if it had been previously rented, and Telder replied, "Yes." Ellingsen said he would have to look at it, and a SAU hearing was required.

Milauckas opened nominations for Vice Chair. He explained that Phelps had been filling the seat mid-term, is interested in staying on the Commission, but is too busy to be Vice Chair. Shanahan made a motion to elect Olendorf Vice Chair. Smith supported, and the motion carried.

Milauckas opened the public hearing on Joe Migas' application for a golf driving range on Wiley Rd. He apologized for not having a quorum at the July meeting for this hearing. Milauckas then recused himself from the discussion because he is related to Migas, and Smith recused herself because her property is contiguous to the property in question. The new Vice Chair, Olendorf, took over the hearing and read the public notice. He asked Migas to explain his plan for a driving range, and Migas stated that he had sold part of the golf course, but retained 20 acres on which he would like to have a driving range off Wiley Rd. Ellingsen said he did not provide a check list because many issues do not apply, only traffic and parking, and the small building must be handicapped accessible. Shanahan asked about machinery for recovering balls, and Migas said he would store it on land away from the driving range. Olendorf asked what years he had operated a driving range there, and Migas replied that he started the golf course in 1962. Migas maintained it never ceased being a driving range.

Olendorf read letters from (1) Frank LeBaron, 310-320 Blue Star Hwy, who plans to condo-ize the motel next door to the proposed driving range and build decks and patios on that side of the building. He was concerned about the commercial enterprise in the middle of an increasingly residential area, the incompleteness of the plan, parking, lighting, and landscaped buffer or fence in the 30' strip separating properties; (2) Maxine Snider, Amity Lane, who intends to build a home on her property on Wiley Rd. adjacent to the proposed driving range. She was opposed to the driving range because of the added traffic in a congested area, the easement to commercial enterprise alongside residential property, and the possibility of night lighting and golf balls breaking windows.

Rausch said she could not figure out how the two pages of plans fit together, where the building, parking, and easement to Barker's property go on the plan. Migas said he would put the building wherever the Commission told him to put it. When parking came up, Migas was somewhat vague about how many spaces he would need.

Olendorf asked if anyone in the audience would like to comment, and Robert Dykstra, Wiley Rd., said he couldn't understand how Migas could say there's always been a driving range there. He said that in the seven years he'd been there, there had never been a driving range on that spot.

Shanahan asked how many people Migas intended to have use the driving range at one time, how many pads there were. Migas said of the pads shown on the plan, one is double, the other three are single, but some people don't use the pads. He said if he got twenty customers (at one time), he'd be happy.

Bob Lefley, Lakeshore Drive, asked if this were approved would it become a business district, and Ellingsen said it would not change the zoning district from A-2.

Shanahan made a motion to close the public hearing, Rausch seconded, and the motion carried.

Shanahan recommended the Commission look at Sec. 40-722 and said he had an issue with the traffic and parking of 20 cars. Olendorf thought subsections 1,2, and 4 dealing with traffic and acceleration lanes, subsection 5 requiring a 100-foot buffer strip, and subsection 6 requiring a 100-foot frontage from the R.O.W. applied to this project, and there was a lack of precision in the plan dealing with these issues. Migas stated that there are actually 18.5 acres and he could go back farther into the property. He said he would take his plan back to the architect. Shanahan asked him to describe everything by measurement on the plan, the placement and number of parking spaces, the actual number of acres, where the building will be placed, etc. Olendorf asked Migas about business hours, and Migas replied "Daylight."

Shanahan made a motion to table the application for a driving range, provide the applicant with the Zoning Ordinance requirements in Sec. 40-722, and ask him to provide a corrected survey and a better site plan to show adjacent parcels. Rausch seconded. The motion carried.

Milauckas resumed the Chair for a continuation of the public hearing on the SAU application for a home occupation in an accessory building by Dr. Eric Peet, a chiropractor. It had been tabled to get a recommendation from the Zoning Administrator, which came via letter stating that he would approve this home occupation in the home, as long as all the requirements of Sec. 40-642 were met and the building met barrier free requirements. Milauckas read three letters opposing this from John and Jan Harthorn, 6614 Cemetery Rd., Dennis and JoAnn Papoi, 3427 Holland St., and Vivien Vandenberg, 3410 66<sup>th</sup> St. The latter, who does not live within 300 feet of the property in question, suggested the Planning Commission should have a Code of Ethics and accused Shanahan, who works for Huntington Bank, of a conflict of interest. She thought that bank did the appraisal of the property in question, but as later came out, it did not. Milauckas pointed out #3 of the Code of Ethics under which the Planning Commission operates and stated that it goes beyond what is common in most communities to recusing if there is an appearance of conflict. Shanahan said he was shocked and offended by the accusation because he would not know if an appraisal had been done on this property, he is not financing it, he's been condemned already, and Vandenberg is not present at this meeting. Milauckas said he saw no connection between Shanahan and this property.

After much discussion of how many cars will be parked in the driveway, where Dr. Peet will put his own cars, how many hours he will operate, whether there will be nighttime appointments, whether there will be an assistant, and how much traffic will be generated by this chiropractic practice, Olendorf made a motion to table the application until Dr. Peet could consult with his neighbors to achieve support or submit an amended application to handle the issues of concern. Rausch supported the motion. Shanahan said he wanted action on the application, and the only issue he saw was traffic. When asked, Dr. Peet said he would like to move forward with a determination. Olendorf withdrew his motion.

Shanahan made a motion to approve the home occupation application for 3413 Elizabeth St. with the provision that only 3 cars be parked in the driveway at one time during business hours for 2-1/2 days a week. Rausch seconded. Olendorf said he wanted clarification on where the family parked, and he asked if there was no limit on the number of patients and whether he could have an assistant. Milauckas stated that Dr. Peet did not request an assistant in his application. Shanahan amended the motion to state that the 3 cars should be business-related and parked in spaces confined to the paved driveway. Rausch seconded the amended motion. A roll call vote showed Olendorf, Smith and Darpel voting NO and Milauckas, Rausch and Shanahan, YES; therefore, the motion failed to carry.

Olendorf made a motion to approve SAU for Dr. Peet's home occupation with the provision that business hours be described as 2-1/2 days of 9, 9 and 4 hours respectively; that there be a limit of 15 patients per 9-hour day, 8:00-5:00 P.M.; and that during business hours no more than 3 vehicles be parked solely on the existing driveway at one time. Shanahan seconded. Olendorf amended the motion to allow 4 vehicles on the drive way. Shanahan supported the amended motion. A roll call vote showed Shanahan, Rausch, Milauckas, and Olendorf voting YES, and Darpel and Smith voting NO. The motion carried 4-2. Milauckas instructed applicant to get a permit from Ellingsen.

Milauckas opened the continuation of the public hearing on Legacy Property Development's preliminary plan for a site condo proposed for 134<sup>th</sup> Ave. Rausch recused herself because she resides nearby. Milauckas asked the Commissioners to review the memo from Planner Sisson vis a vis the updated plan dated August 25. Post explained the revisions: contours of 2-foot intervals added, minimum lot size of 1 and 27 (corner lots) increased and 20' buffer provided; water main easements provided; sewer connection is being studied, perhaps the 8" force main from the golf course, but approval has been given for septic systems. Post agreed to other issues listed in the memo, some to be included in a final plan. Plans have not as yet been submitted to the MDEQ on the wetlands, but Post said he had a letter from a private firm delineating them. The county drain office, road commission, health department, and KLSWA have the plans.

Marty Myers, 134<sup>th</sup> Ave., clarified where the 16" sewer main's 15-foot easement was because she thought it would affect where building occurs on this project, but Post maintained it would not affect it. Much discussion ensued about how expensive it will be to connect to a sewer if allowed. Olendorf pointed out that by metes and bounds, the property could get possibly 5 lots for duplexes and use septic without SAU.

Milauckas noted that the road is a dead end, and he wondered if an easement to some neighboring property could provide for a future outlet. Myers stated that she did not foresee this as a possibility because she has gifted that property to her son, who never intends to develop that land.

In a discussion of soils in the area, Alyssun Hagerman, 6532 134<sup>th</sup>, stated that in 48 years she'd never seen any water on the back of the property, in fact, her brother had driven motorcycles back there, and they could never grow anything there because of the sandy soil. Myers read the Permanent Water Drainage Agreement, stating that GMD developers of Brookwood agreed to maintain the water drain through York's property to Myers' by installing a 10-foot wide culvert through the ditch to provide access to the rear of York's property by a motorized vehicle. Therefore, she said, they could not ride back there unless that culvert was put through.

Post stated that he could put a culvert under the proposed road for water drainage, but he could not touch wetlands. Myers said she once had a pond that irrigated 20 acres of orchard, then ran under the highway and fed Peterson's mill—no longer. She complained that if this development has a detention pond, she would then have nothing at all. Post said there needs to be a recognized drain or stream line, and Myers insisted there is. Post added that he could look into digging out the pond on Myers' property for drainage of

the site condo site and possibly the Brookwood Estates property as well. He asked that preliminary plan approval be given with this as a condition.

There was some discussion of the height of the water table on the property, the fact that no green space is set aside except for the wetlands, that the site is maxed out at 27 lots, that more clearing will be required if mounded septic systems are necessary, and that sewer availability and economic feasibility seems questionable. Milauckas stated that the plan does fit R-1 zoning requirements. Post said he was not concerned that the addition of this project to the neighborhood would generate more ground water for Brookwood, which was the concern of most of the public comments, because their water problem was a result of a drainage pond's being filled in. The developer complained that the township did not have a master plan for sewer for that area, but he wanted to connect to sewer rather than have mounded septic systems. He added that other developments in the area declined to go in with them on connecting to a sewer to make it more economical.

Shanahan made a motion to approve the preliminary plan for Legacy Property Development's site condo on 134<sup>th</sup> Ave. with the condition that the applicant comply with all the items in Sisson's memo, dated August 22, 2003. Milauckas seconded. Olendorf said without the protection of sewer availability, he would not like to be hand-cuffed into 27 lots with septic systems. A roll call vote showed Shanahan, Darpel, and Milauckas voting YES, and Smith and Olendorf voting NO. The motion carried 3-2.

Milauckas announced that the Tri-Community committee meets August 26 here at the township hall. He stated that they would hear in October whether they got the grant for funding.

Milauckas called attention to the letters to Amsterdam and Pump House Gym from Ellingsen.

Meeting adjourned at 11:55 P.M. The next regular meeting is September 22, 2003, at 7:00 P.M.

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Betty A. White, Recording Secretary

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Lissa Smith, Secretary

### **MOTIONS**

1. Motion by Milauckas/Olendorf to approve minutes of August 18.
2. Motion by Shanahan/Rausch to close public comment portion of hearing on SAU for Joe Migas' golf driving range.
3. Motion by Shanahan/Rausch to table SAU for Joe Migas' golf driving range for more complete site plan and more information.
4. Motion by Olendorf/Rausch to table SAU for Dr. Peet's home occupation to achieve support from neighbors. FAILED
5. Motion by Shanahan/Rausch to approve SAU for Dr. Peet's home occupation with condition that only 3 business-related cars be parked in driveway during business hours, as amended. FAILED, 3-3 roll call
6. Motion by Olendorf/Rausch to approve SAU for Dr. Peet's home occupation with more stringent conditions concerning business hours, length of business days, 4 vehicles in driveway, limit of 15 patients, as amended. PASSED 4-2 roll call
7. Motion by Shanahan/Milauckas to approve the preliminary site plan for Legacy Property Development's site condo on 134<sup>th</sup> Ave. with condition that applicant comply with items in Sisson's memo.