

**SAUGATUCK TOWNSHIP PLANNING COMMISSION**

September 22, 2003

The Saugatuck Township Planning Commission met on September 22, 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: Z. A. Ellingsen, Nick Capelletti, Joe Migas, Guy and Juanita Darienzo and members of the general public.

Chairman Milauckas called the meeting to order at 7:05 P.M. Minutes of August 25, 2003, were amended as follows: Page 3, paragraph 2, line 3, insert the word "solely" after "parked." Milauckas made the motion to approve as amended, supported by Rausch. The motion carried.

Public comment: Judith Schneider, 207 Maple St., asked if there were an ordinance governing residential lighting, and Milauckas replied that the P.C. has been examining such an ordinance for commercial property. Schneider said she thought both should be addressed.

Milauckas opened the public hearing on a SAU application for home occupation in an accessory building filed by Nick Capelletti, 6594 Allegan St., where he wants to construct a 300-400 s.f. studio to display furniture and accessories he creates. Milauckas read the public notice and verified that proper written notice had been sent to neighbors within 300 feet. Capelletti explained that he would take orders from customers for the pieces displayed, opening the studio during the day when it was convenient for him. He would have no additional outside lighting, but planned for a sign 30"X35" at the corner of a proposed new driveway off Allegan Street with three parking spaces. He has communicated his intentions to his neighbors, and letters from Phyllis Rastall, 191 Maple; David Van Der Wiele, 155 Maple; Judith Schneider, 207 Maple; and Mike McDowall, 186 Maple favored Capelletti's proposal. Olendorf asked where he built the furniture, and Capelletti pointed out an existing outbuilding on his property. Olendorf suggested he had a home occupation in an accessory building already and wondered how often he fabricated the furniture in this other building. Smith questioned whether there were adequate parking spaces. Rausch wondered about driveways being opposite the church driveways on Allegan Street. Darpel wanted to know why he didn't just add on to the existing outbuilding.

When Milauckas opened the hearing to public comment, Van Der Wiele said he trusted Capelletti not to let this enterprise get out of hand.

Clyde Ball, 1001 Allegan St., said he approved of what Capelletti had done so far with his property, and he knew from his own experience that Capelletti would not be inundated with customers. Olendorf wondered if it would be different with furniture, and he pointed out that Ball had adapted to existing space.

Schneider said Capelletti was very responsive on the one occasion when an outside light was left on, and she pointed out that Button Gallery has only six parking spaces.

Rosalie Yaksic, 6592 Allegan St., across the street from Capelletti, expressed several concerns which she read from a letter: lighting, signage, increased traffic, retail commercial nature of the venture in the residential area, what happens to the building if the idea fails, and the fact that there are two accessory buildings.

Andy Kurrasch, 904 Allegan St., said he was very strongly against retail sales in the residential area, and he thought if this were granted, it would be difficult to turn down the next applicant. He did not think retail sales historically went with home occupations.

Schneider replied that this is a unique area of artists who create, show and sell from their homes.

Kurrasch wondered what happens if Capelletti sells the property and the new owner starts some other business. Ellingsen verified that the use could continue with the SAU, but the P.C. would rule on it again.

Yaksic asked if there would be other artwork displayed, and Capelletti said there would be decorative items and another wood worker's pieces until Capelletti produces enough to fill the space.

Milauckas clarified for the audience that the township ordinance includes retail sales of items related to the home occupation in Sec. 40-642(5). Kurrasch said the point is where the sales occur; this is a store.

Olendorf made a motion to close the public portion of the hearing, Phelps seconded and the motion carried.

Milauckas stated that signs are only allowed on the building where the home occupation occurs unless there is SAU for the sign. Capelletti said he thought he was requesting such SAU as well as for the home occupation on his application. Milauckas said there was no mention of it in the public notice or in the application. He asked Capelletti when he completed the existing barn and why it was built. Capelletti replied that it was meant for a workshop and was completed one year ago. He has sold one piece of his hand-crafted furniture; the rest is in his home. Milauckas wondered why he didn't use the existing driveway to his property and extend it, but Capelletti said a guywire to a power pole interferes. Ellingsen, upon questioning, said only if there is a complaint from a neighbor would he review this home occupation other than administratively. Shanahan said one issue seemed to be with Sec.40-642(6), whether noise, vibration, smoke, etc. resulted from the manufacture of the furniture, and Capelletti said he would not work at night and he has not had a complaint from the neighbors so far.

There ensued a discussion of the fact that there are two accessory buildings, not just the proposed studio, involved in this home occupation, and Milauckas showed concern that it was not described as such in the public notice. Darpel said he thought this operation was different from an art studio, care would have to be taken in controlling this manufacture of furniture, and he suggested attaching the showroom to the workshop somehow. Olendorf thought lights, the sign, the additional driveway and displaying other people's work were problems. Upon questioning, Ellingsen replied that accessory buildings can only comprise 10% of the property, and these are within that limit.

Olendorf made a motion to approve the application for the home occupation SAU in two out-buildings, one for manufacturing and one for a studio, with the provision that there be no more than 3 vehicles allowed in the driveway, that hours of operation be limited and posted, that the existing driveway be used, that there be no additional outside lighting, and that signage follow the home occupation ordinance requirements. Smith seconded. Shanahan suggested getting the Allegan County Road Commission's approval on the additional driveway, and Capelletti stated that the Road Commission did give its OK. Milauckas said he would vote NO because there are two buildings, one of which is not even there yet, and this would be stretching the ordinance, which was originally for an occupation carried on in the home. A roll call vote showed Olendorf, Smith and Shanahan voting YES, and Darpel, Milauckas, Phelps and Rausch NO. The motion failed. Capelletti replied that the language in the ordinance should be strengthened. There was discussion of whether the applicant would have to pay an additional fee if he filed an amended application.

After a brief recess, the meeting resumed to take up the correspondence with Pump House Gym owners and to continue the hearing on Joe Migas' proposed golf driving range. Milauckas recused himself from both because of the fact that he has property that is close to the gym and he is related to Joe Migas.

Vice Chair Olendorf took over the discussions. Ellingsen had corresponded with Pump House owner Guy Darienzo about how different the physical appearance and exterior lighting of the finished gym was from what the P.C. approved in the site plan. Phelps said the plan showed 6' 120W lights in the parking lot, and 6' lights on the building, directed downward, and that there have been complaints that the lights on the front glare down the road. Darienzo said there were fewer lights actually than were on the plan. Olendorf said there was a change in the placement of the entrance and stone was left off the exterior. Juanita Darienzo replied that the stone was a neutral color and would not enhance the building. They had told the P.C. ahead of time that the windows would be salvage and not resemble those on the plan. Milauckas said his complaints, as a property owner, were that the lighting was not directed down and that it is a steel pole barn, which is not allowed on Blue Star Highway. He added that there were cupolas and vents on the roof in the plan, and it did not look like a pole barn. There was some discussion with Ellingsen about how these changes were approved, and he said it was in the building permit process. Olendorf encouraged the Darienzos to work with Ellingsen to mitigate the glaring lights and to come up with some suggestions of how they might make their building look more like the site plan, and less like a pole barn. Ellingsen said he could report to the P.C. on how these problems could be solved. The P.C. thanked the Darienzos for attending the meeting and trying to resolve the issue.

Olendorf continued the hearing on Joe Migas' driving range, and Milauckas and Smith both recused themselves, Smith because she lives near the proposed site. A revised site plan was presented with the tee boxes moved back, parking spaces delineated, the positioning of the building shown, the sign placed by the entrance, detail shown in the office. Ellingsen said Migas has complied with Sec. 40-722 by moving out of the buffer zone, but neither the county nor the village were willing to take responsibility for acceleration or deceleration lanes or curb cuts. Shanahan asked about hours of operation, and Darpel said he could be open from 5 A.M. to 10 P.M. if it were "daylight." Rausch said she was scared by the golf balls going everywhere and wondered if shrubbery or trees could screen them. The lots shown on the plan are owned by other people, and Dykstra has the only house built on any of them. Olendorf clarified that the lots were not split off when the driving range was used on this site. Shanahan said there was a problem with compatibility because the surrounding property has been sold off for residential uses.

Olendorf opened the meeting to public comment and Lissa Smith, 6783 Wiley Rd., said her neighbor, Robert Dykstra, said that Migas told him and other people that he was not going to pursue this, and that's why they are not here. Migas denied saying that to anybody.

Olendorf asked the Commissioners to consider Sec. 40-693 (b) 1-4, the standards for SAU. After some discussion, Shanahan made a motion to deny the SAU for the golf driving range based on standards 1 and 2 of Sec. 40-693 (b). Rausch seconded. A roll call vote showed Olendorf, Phelps and Darpel voting NO, Rausch and Shanahan YES. The motion failed. Another attempt at crafting a motion ended with Olendorf making a motion to approve the SAU as fitting the ordinance, provided the hours of operation be restricted to 9 to 5, and that the applicant meet safety provisions including natural materials based on the proximity of this activity to adjacent property. Phelps offered to amend the motion to set the hours at 7 A.M to 7 P.M. or as daylight permits within those hours. Phelps seconded. A roll call vote showed all NO's, except Phelps. The motion failed, and Phelps made a motion to table the issue to next month. Rausch seconded, and the motion carried unanimously. Olendorf apologized to Migas for the Commission's inability to come to a decision and expressed the possible necessity for legal advice and investigation into the prospective residential development of the area. Shanahan asked that Migas be set earlier on the agenda next time.

Milauckas resumed the chair and brought up the correspondence with the owner of the Amsterdam store on Blue Star. Ellingsen said he was in the process of cutting back the outdoor display, and the additional building was always intended for retail sales, as well as storage.

As regards Ellingsen's February letter to Brinks Trust about the paint ball games going on at Valleau Brass on 63th St. in I-1, Ellingsen wondered why this was not cited 10 years ago as a disallowed commercial or amusement use, and he maintained it is a Zoning Administrator's issue, not a Planning Commission issue. He said Bultje wanted it to be mitigated. It was suggested to ask Constable Ken Giles to talk to the owner.

Milauckas urged the Commissioners to attend the October 30 Planning/Zoning seminar with Wykoff. He also pointed out that the Commissioners have the proposed residential zoning amendments in their packets.

Meeting adjourned at 11:15 P.M. The next meeting is the public hearing on the Residential Zoning Amendments October 20 at 7:00 P.M. at the Douglas Elementary School. The next regular meeting is October 27 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/Rausch to approve amended minutes of August 25.
2. Motion by Olendorf/Phelps to close public portion of hearing on SAU application for home occupation in accessory building by Nick Capelletti.
3. Motion by Olendorf/Smith to approve SAU for home occupation in accessory building by Nick Capelletti with conditions failed 4-3.
4. Motion by Shanahan/Rausch to deny SAU for Joe Migas' golf driving range on Wiley Rd failed 3-2, with Milauckas and Smith recusing themselves.
5. Motion by Olendorf/Phelps to approve SAU for Migas' driving range, amended by Phelps, failed 4-1, with Milauckas and Smith recusing themselves.
6. Motion by Phelps/Rausch to table SAU for Migas' driving range to next month.