

SAUGATUCK TOWNSHIP PLANNING COMMISSION

October 20, 2003

The Saugatuck Township Planning Commission held a special hearing on October 20, 2003, in the library of the Douglas Elementary School, Randolph Street, Douglas, Michigan 49406.

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

Absent: None

Also present: Z. A. Ellingsen, Planner Sisson, Atty Bultje, and various members of the general public.

Chairman Milauckas called the meeting to order at 7:05 P.M., greeted all those present, and introduced Ellingsen, Sisson and Bultje. He announced that the Tri-Community Comprehensive Plan committee's grant application is nearing approval. He thought the committee would take from 12 to 18 months updating the master plan with the help of consultants from the Planning/Zoning Center in Lansing.

As a preface to the public hearing on the proposed amendments to the residential districts, Milauckas explained that since the late 90's the Planning Commission has been reviewing residential development plans for subdivisions or site condominiums in the R-1 District with 20,000 s.f. lots, in which the entire lot is developed, no green space is preserved, and no public utilities are available. Many times during public hearings complaints have been registered about the impact on private wells of neighbors. Because of this the Planning Commission decided to review the standards, and from January, 28, 2002, to now, has had the residential density issue on the agenda at 17 meetings, and has reviewed several drafts of amendments.

Milauckas then explained the procedure to be followed for the public hearing. He explained further that there are really two issues: (1) the standards in the Zoning Ordinance, including minimum lot size, setbacks, green space required, and (2) the possible rezoning of some districts. He also announced that he and Smith own property in some of the areas to be rezoned. Upon the advice of Atty Bultje, Milauckas said he and Smith would recuse themselves from the discussion and voting on the rezoning of their properties, but they would be able to participate fully in discussion and voting on the standards of the Zoning Ordinance.

Upon consensus of those present, the reading of the public notice from the newspaper was waived. Milauckas reported that the file contained affidavits of notice sent to property owners affected by the rezoning.

Milauckas opened the public hearing at 7:17 P.M. and asked Planner Sisson to review the purpose of the proposed amendments. Sisson referred to zoning maps he had provided the audience and explained that one of the primary reasons for the proposed amendments was to preserve open space and natural features which would be fragmented if the current ordinance were followed. He gave examples from the grid provided of what would be allowed in the way of lot size and width when open space is preserved. He stated that there is no change in R-1 except for metes and bounds divisions, nor in R-3 as far as the text of the Ordinance goes. However, there will be changes in the map for R-3. He also referred to the information in the hand-out on changes in setbacks, including using the centerline of the street to figure front setback, increases in rear yard setbacks, maximum lot coverage imposed, side yard changes, and a requirement that the driveway be 5 feet from the property line. As far as rezoning goes, Sisson showed on the map the proposed creation of a new R-3B zone between the lakeshore properties and I-196 (some of the undeveloped properties previously in A-2 and some in R-3) to follow property lines, leaving existing developed R-3 as is. R-3B would be similar to R-2 as far as standards go, but would allow some of current A-2 property to be

developed with open space where utilities may soon be available. R-3B north of the city would place a higher standard for development than now exists.

Milauckas emphasized that the R-3 District immediately east of Lakeshore Drive and west of Lakeshore Drive remains the same except for the side yard and front yard setback changes. He also stated that the first paragraph in Sec. 40-277 requiring structures in R-2 to be no less than 75 feet from the water's edge shall remain. Sisson explained why the section mentioning 40 feet was inserted and said the Planning Commission will have to review that amendment.

Milauckas invited public comment, and Larry Edris, 2534 Lakeshore Dr., asked who determines which parts of a developing property should be common area. Sisson explained that the Planning Commission reviews the plans submitted by the developer and applies the standards in the A-2 for open space, taking into consideration the physical features of the site.

Jeff Wilcox, 231 Water St., pointed out a discrepancy between the text and the grid in the R-2 concerning minimum lot sizes and open space required depending upon whether utilities are available. Milauckas said the text is correct: 30,000 s.f., 45% open space, when serviced by utilities; 40,000 s.f., 35% open space, when not serviced by utilities. He added that the R-3B is the same.

Dave Stanley, 2779 Lakeshore Dr., wondered what advantage there was to dividing his property and making the back portion R-3B and whether wells would be protected and leaching would not occur. Milauckas explained that the proposed density would be less than what is currently allowed. Sisson added that properties to the north would be likely to obtain public utilities, but health requirements do not change for those without.

Dottie Lyon, 2979 Lakeshore Dr., wanted to know the reason for increasing the density in property stretching from the Douglas village limit to Milauckas's property in Section 20. Sisson explained that utilities will probably be extended there first; therefore, it is being rezoned R-1. Milauckas said the Comprehensive Plan supports that kind of transition to a denser district closer to Blue Star Hwy., and the lines for R-3B or R-1 were drawn by Sisson, according to property line descriptions.

Ed Fencl, 2492 Lakeshore Dr., wanted to know the meaning of the amended statement of purpose of Section 40-316, especially the part stating "while allowing a certain degree of infill under regulations historically applied to the area." When told that current rules remain in effect, he wondered if that meant no grandfathering. Sisson replied that grandfathering is allowed in cases where there has been a continuity in usage.

Bill Coupe, 774 S. Washington, Holland, attorney for Denison estate, asked what the required open space is for lots in excess of 20,000 s.f. in R-1, R-2, R-3 and R-3B and was told there is none. He asked what the maximum lot coverage limit is for lots in excess of 20,000 s.f. and was told there is none. He then asked if there had been an increase in height limit for structures on lots of 20,000 s.f. or less and was told "No."

R. J. Peterson, 116 Riverside Dr., said he thought the comprehensive plan should be changed before the zoning, that if local governments had referred to the current comprehensive plan, sewer and water would have been available earlier. He added that most of the community considers Section 4 park land. Sisson explained that this rezoning of Section 4, especially, was intended to require less dense development and open space, which is not required in the present R-3. Milauckas related how lengthy is the process of revising the comprehensive plan. There was a discussion of how zoning is affected by the state's purchase of property in the district.

Dayle Harrison, 3108 62nd St., maintained that the quality of life of the community would be changed with the change from A-1 and A-2 to R-1 and R-3B, that is, 3000 homesites of 20,000 s.f. between Center St. and M-89 and another 3 sq. miles between Blue Star and Lakeshore Dr. of 3500 homes. He added that he understood the comprehensive plan promoted maintenance of the rural open space of the area, and more public utilities provide an incentive for further development. Milauckas replied that the density proposed is less than Douglas' neighboring districts, and there is no push to bring public utilities. Sisson thought Harrison exaggerated the possible development of those areas changed from agricultural districts. Olendorf commented that although public sewer probably would not be available right away, as some seem to be saying, there is a need for public water in some of these areas because of ground water contamination. He added that agricultural uses have long since disappeared from the area under consideration.

Milauckas read into the record letters from (1) a lawyer representing Betty and Joe Kostyla, who own property affected by the rezoning near the expressway interchange, stating that it should be rezoned as the current R-1 zone, rather than as R-3B, because of its proximity to the highway; (2) James Snee, 2525 Lakeshore Dr., questioning the zoning of a nursery on Lakeshore Dr.; (3) John and Laura Doerer, Jon Kozuch, Sue Smith, Gary and Denna DeMond, Joanne Stearns, Carol and Roy McIlwaine, and Janet and John Neill, all of Riverside Drive, registering opposition to the change in setback from the water line. In answer to a part of the letter from Jon Kozuch, Milauckas stated that the Planning Commission cannot make individual notice 3 weeks in advance of any discussion of proposed zoning changes with potential to affect property values. He said items on the agenda are posted on the web page.

Harrison reiterated his suggestion to rethink the R-1 density and the encouragement given developers when public utilities are available.

Bill Lefley, Ada, MI., wanted to clarify that the R-1 minimum lot size is being increased to 30,000 s.f., with 25% open space without utilities, and therefore, is much less dense than the 1/6 acre allowed in Douglas.

Phil Miller, 966 Holland St., wondered if there have been any other alternatives suggested for the park-like Denison property. Milauckas said one option was to leave it alone because things are not settled yet. Olendorf said it seemed more judicial to the Planning Commission to treat it the same as other property. Milauckas stated that no decision will be made at this meeting, but the Planning Commission will probably have the proposed amendments on the next agenda.

Olendorf made a motion to close the public hearing, except for written response from the public within the next seven days until the next regular meeting of the Planning Commission on October 27. Shanahan seconded and the motion carried.

Meeting adjourned at 8:45 P. M. The next regular meeting is October 27 at 7:00 P.M.

Betty A. White, Recording Secretary

Lissa Smith, Secretary

MOTIONS

1. Motion by Olendorf/Shanahan to close the public hearing on the residential zoning amendments, except for written response from the public for seven days.