

SAUGATUCK TOWNSHIP PLANNING COMMISSION

October 27, 2003

The Saugatuck Township Planning Commission met on October 27, 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, Paul Cook, Joe Migas, Nick and Ann Capelletti, and a few members of the general public.

Chairman Milauckas called the meeting to order at 7:00 P.M. Phelps made a motion, and Smith seconded, to approve the amended minutes of September 22. The motion carried. Commissioner Smith's address on page 3, next to last paragraph, was corrected to read "6783" Wiley Rd. In the October 20 minutes, Milauckas amended the statement regarding R-1 in the last paragraph on page 1. Line 6 should read: "is no change in R-1 for the first four metes and bounds divisions." After some discussion about Bill Coupe's question in the public portion concerning the open space requirements, Milauckas made a motion to table the October 20 minutes until the tape could be consulted. Phelps supported, and the motion carried.

There being no general public comment, Milauckas introduced a SAU public hearing on the proposed expansion of Paul Cook's Captains Quarters motel in C-2 on Blue Star Highway. He then recused himself because he is also a motel owner. Vice Chair Olendorf took over the hearing and Secretary Smith read the notice published in the newspaper. The ZBA has granted a variance from side yard setback, and expansion of an existing motel in C-2 requires SAU. Cook explained that he wanted to extend the lobby by 400 s.f. to improve the character of the motel.

Olendorf asked if there were public comments, and Judith Schneider, 207 Maple, supported the addition because she said the present lobby is no bigger than her bathroom. She added that Cook is a good neighbor.

Nick Capelletti, 6594 Allegan, said he thought small business owners in the area needed help to succeed.

There being no more public comment, Shanahan made a motion to close the public portion of the hearing, and Smith seconded. The motion carried.

Olendorf turned to Sec. 40-723, and Smith asked whether any of this applied to Cook's case. Sec. 40-691 and Sec. 40-693 (b) (1) through (4) were then read. Smith stated that the motel has operated for 50 years or more, and she found nothing negative about expanding the lobby. Phelps made a motion to approve the SAU to make the lobby space larger in the Captains Quarters, since it meets the standards of Sec. 40-693. Rausch seconded, and the motion carried.

The Commissioners turned attention to Sec. 40-816, standards for granting site plan approval, and after briefly reviewing them, Shanahan made a motion to approve the site plan for Captains Quarters expansion. Darpel seconded. The motion carried. Cook said he appreciated the fact that Rausch had visited him.

Olendorf introduced the continuation of the hearing on the SAU for Joe Migas' golf driving range on Wiley Rd. in A-2. Milauckas continued to recuse himself, and Smith also recused herself. Olendorf referred to a letter from Atty Bultje, Oct. 27, which states that the golf driving range is not grandfathered because, in spite of Migas' claim, it has not been in continuous use as such. In fact, Migas admitted that he had moved

it from one part of his property to another. Bultje suggested relying on the SAU standards in Sec. 40-693 (b) to determine whether the golf driving range should be approved.

Olendorf asked for comments from the public, and Frank LeBaron, 310 Blue Star Hwy., owner of the resort next door, stated that he is adamantly opposed to this golf driving range adjacent to his property, because it is surrounded by residential uses, the proposed hours of operation were unlimited, and Migas seemed to be willing to allow as many people to golf as wanted to show up.

Migas challenged the statement that his property is adjacent to LeBaron's, stating that there is a piece in between. Bob Dykstra, 6779 Wiley, asked how big the property in between is, and the answer was "25 feet." Migas said Barker intended to put a road through there.

Judith Schneider said she thought there would be nets or barriers of some kind. She said she'd be more concerned about the major development going on than about this driving range.

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

In reviewing the SAU standards of Sec. 40-693, Phelps said he did not think this use would change the character of the area (2), but he thought it might be hazardous (3). Rausch said she had a problem with (1) and (2) because the surrounding area will become residential. Darpel said he agreed with Rausch and he thought there was a financial issue for the neighbor. Shanahan said he had a problem with (1) and (3), although it would be nice to have 18 acres of open space there. He added he hadn't seen anyone golfing there for a long time. Olendorf stated that in the Master Plan that area was considered potential for denser growth, being close to public utilities. He suggested that approval could be made with conditions, though. Sisson stated that although this is an agricultural area where such uses are permitted, the transition to residential might come about because of the real estate market with the result that this use might not last long.

Rausch made a motion to deny the SAU for the golf driving range because it would change the essential character of the area, which will be highly residential, and because it could be hazardous to adjacent property owners. Shanahan seconded, and a roll call vote showed five YES votes. Motion carried. Milauckas and Smith did not vote.

Milauckas resumed the chair and proceeded to the review of the SAU for home occupation in an accessory building for Nick Capelletti, continued from September 22. The issue was left somewhat unfinished. Milauckas referred to a series of letters between Capelletti and Z. A. Ellingsen, and to Secs. 40-642 and 40-693.

Shanahan made a motion to approve the SAU application, seconded by Smith. Milauckas asked if Capelletti wanted to make any comments, and he said Ellingsen had suggested he come back because the SAU had neither been approved nor denied. Shanahan said he thought the spirit of the ordinance was to make it possible for people to work at home and that Sec. 40-642 (6) described what would make that a nuisance to a neighbor. He thought most comments from neighbors were in support. Further, annual inspections are made by the Z. A. Rausch said she is opposed because Capelletti had just finished a barn, where he's working, and now he wanted to build a second building for sales. Olendorf pointed out that the ordinance is generally aimed at occupations in the home, but when referring to detached areas, the ordinance says "building" not "buildings." He named the directions given the applicant in the discussion at the original hearing. Darpel said he thought there was a difference between home occupations in the rural township and the urban areas near the City. Phelps agreed. Smith thought that when Capelletti built the

barn, he was making furniture for his home. Olendorf said the Commission had suggested the applicant build a display area onto the existing barn.

Milauckas reminded the Commission that when it became clear there were two buildings, the applicant was given the opportunity at the hearing to verbally amend his application to include two buildings and he did so. Milauckas stated he would vote NO again because two buildings are beyond the ordinance.

After all this discussion, the roll call on approval showed Olendorf, Phelps, Milauckas, Rausch and Darpel voting NO; Smith and Shanahan voting YES. The motion to approve failed.

Milauckas made a motion to deny the SAU because it neither complies with (1) and (2) of Sec.40-693 nor with Sec. 40-642 because two accessory buildings are involved. Rausch seconded. Darpel asked if this would deny the application totally and said he would agree to approval with conditions that the business be contained in one building, that the existing driveway be used, and that the sign be placed on the building. Sisson suggested that the applicant may ask the Commission to table his application and return to a later meeting with a revised application. Capelletti said he would revise his request to involve the existing accessory building, where he will both make and sell the furniture. As a result of the discussion and after referring to Capelletti's letter of October 17, Milauckas gave the applicant the opportunity to verbally amend the application and return to one accessory building. Olendorf said he was willing to make the motion allow for addition of a showroom to the existing building. Milauckas withdrew his motion to deny the application, and Rausch withdrew her support.

Milauckas verified that the Commission was now reviewing an amended application for SAU in one existing accessory building, said amendment requested by the applicant, Capelletti, at this meeting. Olendorf made a motion to approve the SAU application for home occupation located in one existing accessory building, with the conditions that they use the existing driveway, that they follow the ordinance for signage on the structure, that they follow normal business hours 9 to 5, Monday through Saturday and noon to 5 on Sunday, and that parking be limited to three cars for business purposes. Darpel supported. The roll call vote showed all YES votes, except for Shanahan, who voted NO. The motion carried.

Schneider insisted on making a comment about how poorly she thought the Capelletti's were treated at these meetings. She further stated that the Commission did not see fit to protect her quality of life from Macatawa Bay Boat Works next door to her, nor from the Christian Reformed Church and its 10 floodlights, both of which affect the neighborhood, but it did want to protect her from this 300 s.f. structure. It was pointed out that she does not live within 300 feet of the church. Capelletti stated that he thought this was all a big misunderstanding. He hoped the P. C. and the Z. A. would consider what could have been done differently.

After a brief break, the meeting reconvened to consider the residential rezoning amendments. First, Milauckas referred to the revised 10-16-03 version of the amendments, and then he directed attention to the correspondence received since the 10-27 hearing. George and Connie Mercer, 2907 Lakeshore Dr., in R-3, stated they were supportive of R-3B, but thought R-1 was too dense for what is currently A-2. They also had a question on the corner set back requirements, stating that if observed, the remaining buildable area would be very small. Sisson said nothing has changed from what was already in R-3: 50' from Lakeshore Dr., 40' from Tranquillity Lane, a minor road, leaving 45' buildable area. Another letter from Jack and Betty Schmidt, 3021 Lakeshore Dr., stated their opposition to the change to R-1. A memo came from R. J. Peterson, which referred to the Comprehensive Plan. Atty Bouwens sent a letter about development planned for parcel 035 owned by Kostyla. Olendorf said he and Darpel examined this latter area.

Referring to the 10-16-03 version of the amendments, Milauckas asked Commissioners to consider the text first, but when Sisson showed what the build out could be on the R-1 and R-3B, compared to A-2, in an

effort to disprove allegations by Dayle Harrison at the 10-20 hearing, the Commissioners were off on a discussion of what they really wanted in open space, whether they really wanted R-1 so large, and what was needed in the way of roads for ingress and egress from these areas. Milauckas and Smith, being property owners in the affected areas, recused themselves from discussing possible rezoning. Shanahan left the meeting at 10:10 P.M.

Sisson suggested leaving critical areas A-2 if roads are not imminent, referring in the Comprehensive Plan to where roads are needed, and requiring the extension of roads as development takes place. He added the P. C. will have to decide what they want to give up in order to have roads. If any of A-2 remains unchanged, a new hearing is not needed.

Milauckas rejoined the discussion to bring up the set back from the waterfront in Sec. 40-277, which was questioned by the audience and by letters for the 10-20 hearing. Sisson said there would be a reference to Sec. 40-590 and 40-591 showing regulation by the floodplain overlay district or the natural rivers overlay district to counteract the 40-foot front yard set back on the water front. He added this was included to make the 40-foot set back uniform, and to make it clear that one could orient his house with the front yard on the water. Sisson will work with Bultje to prepare text for the next meeting, November 24.

Milauckas mentioned news articles about Grand Haven Township's outdoor lighting rules, Olive Township's anti-junk ordinance, and the letter from Tower Marine on landscaping. He announced the Tri-Community meeting at this office tomorrow. On Oct. 30 Commissioners who are attending the meeting in Allegan will meet at Super Valu at 5:45 P.M. Rausch mentioned an article in Lakeshore Press about retention ponds being breeding grounds for West Nile Virus.

Meeting adjourned at 10:45 P.M. The next regular meeting is November 24 at 7:00 P.M.

Betty A. White, Recording Secretary

Lissa Smith, Secretary

MOTIONS

1. Motion by Phelps/Smith to approve amended minutes of September 22.
2. Motion by Milauckas/Phelps to table minutes of October 20 to refer to tapes.
3. Motion by Shanahan/Smith to close public portion of hearing on SAU for expansion of Captains Quarters motel in C-2.
4. Motion by Phelps/Rausch to approve SAU for Captains Quarters.
5. Motion by Shanahan/Darapel to approve site plan for Captains Quarters expansion.
6. Motion by Phelps/Rausch to close public portion of hearing on SAU for Joe Migas' golf driving range.
7. Motion by Rausch/Shanahan to deny SAU for golf driving range.
8. Motion by Shanahan/Smith to approve SAU for home occupation in accessory building for Nick Capelletti. FAILED 5-2
9. Motion by Milauckas/Rausch to deny SAU for home occupation. WITHDRAWN, with result application amended to involve the one existing detached building.
10. Motion by Olendorf/Darapel to approve SAU for Capelletti's home occupation in existing outbuilding, with conditions. PASSED 6-1