

## SAUGATUCK TOWNSHIP PLANNING COMMISSION

January 26, 2004

The Saugatuck Township Planning Commission met on January 26, 2004, at the township hall on Blue Star Highway, Saugatuck, Michigan 49453.

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

Absent: Olendorf

Also present: Planner Sisson and various members of the general public.

Chairman Milauckas called the meeting to order at 7:10 P. M. Shanahan made a motion to approve the minutes of December 15, Smith seconded and the motion carried. October 20 minutes are tabled until the Secretary can review the tape.

There being no general public comment, Milauckas opened the public hearing on Lighthouse Estates, a PUD site condominium proposed for 21 homes on 33.8 acres at 131<sup>st</sup> Ave. and 63<sup>rd</sup> St. near Silver Lake. Secretary Smith read the notice published in the newspaper, and Milauckas verified that proper notice has been mailed to neighbors within 300 feet of the site. He also explained that this is the first of a two-step process, reviewing a preliminary plan.

Steve Smit, Focus Engineering, explained that there is an existing home on Silver Lake, which is the only lot to have access to the water. It is not part of the proposed site condo. The rest of the property is divided into 21 lots surrounded by 13+ acres in open space, including a detention pond and the large part of a ravine. He stated that three wells have been drilled in various parts of the property to test the water for potential pollution, since the site condo will be serviced by individual wells and drain fields. Darpel wanted to know where, and Smit pointed out the locations. Phelps wanted to know "how deep?" Smit said he would supply that information later.

Milauckas opened the hearing to public comment, and Kathleen Markland, 3125 Indian Point Rd., asked how the use of water for this development might affect the aquifer and why not bring in public water? She added that she had been told when she bought her home five years ago that this area would not be developed in subdivisions, and that is what this plan looks like. Milauckas stated that the ordinance has not been changed. PUD's were always allowed. Smit described the pump test required by the state for water wells and stated that they found good water and were well in excess of the 10 gallon-per-minute guideline. He also explained that this site is more than 1/2 mile from public water, so they are not required to hook up.

Betty Klage, 3209 Silver Acres Dr., asked what a site condominium is, and Smit and Milauckas explained. She was relieved to hear it involved single-family homes.

Maryanne Radzis, 3204 62<sup>nd</sup> St., asked where Focus Engineering is and what other projects it has developed. Smit said it is in Hudsonville, and one nearby project is Log Homes on Goshorn Lake.

Bill Klage, 3209 Silver Acres Dr., asked if there were access to Silver Acres Drive from this project and was told "No, except for the existing home." All the other 21 drives enter the private road to 131<sup>st</sup> Ave.

Tim Horvath, 3204 62<sup>nd</sup> St., asked if consideration had been given to widening all those roads if all these additional families will be traveling them. Shanahan stated that Roerig from the township had brought Old Allegan Road up to the Allegan County Road Commission last week. Horvath also questioned the water

access in the future, but was told that the statement will be included in the Association documents that no water access is allowed the site condominium.

Tom Nowak, 3213 Silver Acres Drive, asked if the project is limited to 21 home sites and was told that was correct. He said he liked the open space.

Donna Nowak, 3213 Silver Acres Drive, asked if there were by-laws and was told they will come after the preliminary approval.

Horvath asked what price range and style the structures would be, and Smit said they would probably be "higher-end."

Radzis wondered if the public is allowed access to waterways, could the existing home some day become a public access site. Milauckas told her about the township ordinance limiting water rights. Smit assured them that the denial of water rights would be added to the site plan as well as to the Association documents.

Phelps made a motion to close the public portion of the hearing; Shanahan supported. The motion carried.

Sisson's memo was considered. Sisson expressed concern that if the ravine were not common area, an owner could tear out the trees. He also suggested that motorized vehicles be specifically excluded from the common areas. Otherwise, he said the project was well laid out, and it followed the Zoning Ordinance. Milauckas pointed out lots 16, 17, 10, 11 and 12, which push into the ravine. He hoped buildings would not extend into the ravines and homeowners could not limit general use of the ravines. Smit said the homeowner would probably want to build right up to the edge of the ravine, and he would be willing to require that trees not be cut down within 15 feet of the house, unless they are dead or apt to fall on the house. He added that he was willing to modify lot #17 and provide language in the documents dealing with tree clearing and motorized vehicles in the common area. Milauckas thought lots 10 and 11 should be brought back up the hillside, but Smit said he would have to request a variance in rear yard setback if the Planning Commission insisted he change those two lots. He added that he would like to reduce the size of the detention pond because he expected the storm water to perc and not run off to the lake. Milauckas suggested limiting home sites to an elevation of 5 feet above the lowest point in the ravine and going to a 20' rear yard setback, if need be.

Milauckas then asked the commissioners to examine Sec. 40-779, and the only potential problem seemed to be with traffic. He made a motion to approve the preliminary plan of Lighthouse Estates PUD, dated 12/19/03, with the conditions that (1) all necessary county and state approvals be completed for the final plan; that (2) rear property lines on lots 10, 11, 12, 16 and 17 be adjusted so they are not lower than 5 feet above the lowest elevation of the ravine, with the concession that the rear lot line be adjusted to 20 feet if necessary; that (3) the well water report be submitted; that (4) the documents state that there is no access to Silver Lake from the site condo; and that (5) the common area be limited to non-motorized vehicle use. Rausch supported. In the discussion following, Sisson brought up the fact the road was designed with a ditch, and valley/gutter style was required for site condos. Smit requested a waiver because he said the ditch was for drainage. Milauckas amended the motion to state that the road construction on the plan satisfies the ordinance, except for the cul-de-sac sections, which must be valley/gutter construction. Rausch supported the amendment. The amended motion carried unanimously.

Milauckas then directed attention to Sec. 40-938 for the Site Condominium Project Plan review. Milauckas made a motion to approve the preliminary plan under the Site Condominium Ordinance with the same conditions as in the preliminary PUD motion, including the private street waiver. Phelps seconded and the motion carried.

Milauckas returned the meeting to the final Site Condominium Project Review for Legacy Property Development on 134<sup>th</sup> Ave., the initial public hearing having been held on July 28 and preliminary approval having been given on August 25 with conditions. Rausch recused herself again from discussion or voting on this issue since she is a neighbor. Scott Post delivered a packet of approvals from the Allegan County Drain Commission, the Allegan County Road Commission and the Kalamazoo Lake Sewer and Water Authority, since the project will now be served by public water and sewer; as well as his letter to the Superintendent of Saugatuck Public Schools, a letter from Martha Myers permitting the use of her pond as drainage for the project, and a landscape plan for frontage on 134<sup>th</sup> Avenue. Post explained that the pond they were constructing would help drain Clearview Lane, and any overflow would proceed to Myers' pond. Post requested flexibility in the landscape plan, and Sisson suggested asking for 2-1/2" caliper deciduous trees and 4-6 foot evergreens. Post said he would adjust to the proper setbacks on 134<sup>th</sup> on the plan. A wetlands study was provided, and no construction is taking place in wetlands. Post said the Drain Commissioner was not concerned that the pond they are going to dig next to the wetlands would affect the wetlands. The private road was discussed, and Martha Myers said she was satisfied with it. Sisson said someone must certify its design, and one of the other engineers present said Ellingsen told him he could certify it himself because he was a professional and he should be able to build a road by now. Copies of the Master Deed and the Use, Occupancy and Maintenance Provisions were provided. Milauckas asked the commissioners to review Sec. 40-816 standards for granting approval. The developer supplied the name: "Gaslight Estates" and said there will be lights.

Shanahan made a motion to approve the final plan for Legacy Property Development's site condo provided the 40' setback on 134<sup>th</sup> Ave. is shown on the plan, provided the township shall be indemnified from any liability concerning the road, provided the Master Deed is reviewed by the township attorney, and provided an irrevocable letter of credit in accordance with Sec. 40-819 is presented the township prior to the beginning of construction. Phelps seconded, and the roll call vote produced a unanimous approval. Rausch thanked the developers for all their work in satisfying the concerns of the neighbors.

Milauckas introduced the final Site Condominium Project Review for White Birch Farms, which had a preliminary review November 24 that was approved with conditions. Milauckas recused himself from discussion and voting on the issue because he is a neighbor and related to the developer. Darpel assumed the chair. Mike DeVries, who had represented the project in November, proceeded through the conditions of the preliminary approval motion, stating that Old Owl Drive will be paved to Wild Turkey Lane, that the retention basin has been moved to the northeastern part of the proposed future development area, that a street light will be placed at the corner of Old Owl and Wild Turkey, ingress and egress from the park is defined, corner lots #2 and #11 have been widened, there is a letter from JFNew to the effect that there are no wetlands on the property, and the condominium by-laws and master deed have been presented. DeVries said there are letters from the Road and Drain Commissions. Drainage specs are being reviewed with the change in site for the retention pond. A permit is needed for the entry drive. Their engineer's certificate will be sufficient for the road, as far as Ellingsen is concerned. Atty Bouwens said that the "expansion area" is shown for information, but it is not being approved as part of this site condo. The indemnification for liability for the roads will be included in the Master Deed. He said they would provide a performance guarantee for all the roads. There is a statement in the by-laws that no condominium owner receives lake access rights. Darpel's question about the road easement to the east elicited the statement that the possibility of extending the road to the east has not been locked out, but Sisson made it clear that they would have to come back to the Planning Commission. Sisson also thought someone should look at the road plans to assure the construction of Old Owl Drive and Wild Turkey Lane. It was stated that the storm drain connects to one on Lakeshore Drive. The park will be left natural with a wood chip path. The roads will be built by the developer, but maintenance of Old Owl Drive will be divided among the condo owners with the metes and bounds development to the west.

Darapel made a motion to approve the final Site Condominium Project Plan of White Birch Farms (1) subject to the filing and review of the detailed street grading and drainage plan to be reviewed by the township Z.A.; (2) subject to the street's being engineered to township standards, that is, Old Owl Drive continuous to Lakeshore Drive with ditch profile and Wild Turkey Lane with bituminous valley/gutter pursuant to Allegan County street standard, 22' back to back; (3) subject to the Master Deed's being reviewed by the township attorney; (4) subject to Drain Commission approval; (5) subject to an acceptable street maintenance agreement as approved by the township attorney; and (6) subject to compliance with the performance guarantee of Sec. 40-819 (b). Phelps seconded, and a roll call vote revealed a unanimous approval.

Milauckas resumed chairmanship and asked when the Planning Commission could consider the Zoning Ordinance amendments. The commissioners decided to meet at 5:00 P.M. February 23 for a workshop before the regular meeting at 7:00 P.M.

Milauckas passed out the citizens' survey compiled by the Tri-Community Plan Committee and asked the commissioners to read it over for suggestions and questions before the Committee's next meeting Thursday at 6:00 P.M.

Meeting adjourned at 10:38 P.M. The next meeting will be February 23 at 5:00 P.M. for a workshop and 7:00 P.M. for the regular meeting.

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Betty A. White, Recording Secretary

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Lissa Smith, Secretary

### **MOTIONS**

1. Motion by Shanahan/Smith to approve December 15 minutes.
2. Motion by Phelps/Shanahan to close public portion of hearing on Lighthouse Estates PUD Site Condo preliminary plan.
3. Motion by Milauckas/Rausch to approve application of Lighthouse Estates PUD of 12/19/03, with conditions.
4. Motion by Milauckas/Phelps to approve the preliminary Site Condo plan for Lighthouse Estates, with the same conditions as above.
5. Motion by Shanahan/Phelps to approve the final Site Condominium Project Plan for Legacy Property Development's Gaslight Estates on 134<sup>th</sup> Ave., with conditions.
6. Motion by Darapel/Phelps to approve the final Site Condominium Project Plan for White Birch Farms, with conditions.