

## SAUGATUCK TOWNSHIP PLANNING COMMISSION

February 23, 2004

The Saugatuck Township Planning Commission met on February 23, 2004, at the township hall on Blue Star Highway in Saugatuck, Michigan 49453. A workshop on the Residential Zoning Amendments preceded the regular meeting.

Present: Darpel, Milauckas, Olendorf, Rausch, and Smith, with Shanahan arriving later

Absent: Phelps

Also present: Planner Mark Sisson, Matthew Bryant and Jeff Vos for Timberline, Dale Bauer and Thom Carpenter for North Point, Tom Bolhuis for Olde Tyme Boat Shop, and various members of the general public.

Chairman Milauckas called the workshop to order at 5:25 P. M. Sisson displayed his revised zoning map and stated that Article 17 of the Zoning Ordinance should be amended to describe the zoning changes proposed by the residential amendments. Working with the November 24, 2003, draft of the Zoning Text and Map Amendment Ordinance, Milauckas reviewed the changes in R-1 and R-2, leaving R-3 the same except for setbacks and critical dune language, and introducing a new R-3B zone described the same as R-2.

Olendorf brought up two problems: (1) flag lots where the frontage on the main road is not 100 feet and a drive of 30' is required; and (2) the size of homes, suggesting that the percentage of lot coverage for a house be restricted to an average of the size of the houses on either side. Milauckas thought (1) flag lots would require more discussion than could be handled now, and (2) there is already a limit on lot coverage.

The alternatives to the proposed zoning changes from A-2 to R-1 or R-3B were discussed in light of comments at the public hearing, the request from White Birch Farms developers that it be R-1, and the need for roads and public utilities. If some changes are made which were not presented at the public hearing, it was thought there might need to be another public hearing. Milauckas thought there should not have to be another public hearing if the changes were not so drastic as those proposed at the hearing. There was some consensus on changing the areas south of 1/4 mile south of Wiley Road to R-3B instead of to R-1. Shanahan said there might be a public hearing on this before the township board. He also thought the whole area should be R-3B and that public water was coming to Wiley Rd. soon.

Rausch made a motion to adopt the 11-24-03 draft of the Zoning Text and Map Amendment Ordinance, except that the map shall show R-3B north to 1/4 mile south of Wiley Road, with the condition that Atty Bultje be consulted about whether a new public hearing is needed, and to recommend to the township board that they adopt this Amendment. Smith supported the motion. Shanahan said he thought R-1 was too drastic a change from A-2. The roll call vote was as follows: Olendorf, NO; Smith, YES; Milauckas, ABSTAIN; Rausch, YES; Shanahan, NO; Darpel, YES = 3 to 2. The motion carried. Milauckas asked Sisson to draft a letter to Atty Bultje asking whether a new public hearing is required. He stated that if no hearing is required, the proposed amendment will go to Allegan County Planning Commission and then to the township board.

There was a recess at the end of the workshop, and Chairman Milauckas called the regular meeting to order at 7:17 P. M. Smith provided a verbatim record of Bill Coupe's question at the October 20 public hearing to clear up the question about the minutes for that meeting. As a result the October 20, 2003, minutes were amended as follows: page 1, middle of last paragraph should read, "He stated that there is no change in R-1 for up to 4 metes and bounds divisions...;" and page 2, next to last paragraph, insert "(yard area)" after "open space" in the first sentence. Shanahan made the motion to approve the minutes as amended and

Olendorf supported. The motion carried. Rausch made a motion, supported by Smith, to approve the January 26, 2004, minutes. The motion carried.

There being no general public comment, Milauckas opened the public hearing on the preliminary plan of the proposed Timberline mixed residential/commercial PUD on Blue Star. Secretary Smith read the notice published in the newspaper, and Milauckas verified that proper notice had been sent to the neighboring property owners. Matthew Bryant, 3353 Blue Star Highway, proposed 13 duplexes, 26 single-family condos, on 7.7 acres next to Timberline Motel. Jeff Vos, the engineer, explained that there are 12 acres, of which 4.3 is motel, 2.3 is nature preserve, leaving 5.4 acres for 26 units. The common area includes the nature preserve and the recreation areas of the motel, making 3.8 acres. The project will be served by public water, but the sewer is not available now, although it is only 3/4 mile from the present sewer. Trails form a circuit of the property. For storm water, shallow retention basins are proposed because the soil percs well.

Upon questioning by Shanahan, Vos said they had preliminarily explored the community drain field issue with the DEQ and Health Department but had not as yet filed an application. Sisson added a note on court action on the practice of providing letters of credit and performance guarantees in case of failure of community drain fields: ruled inappropriate. Olendorf asked if provisions would be made in the Master Deed to "fix" it if it failed. Vos replied that a maintenance agreement would be outlined in the Master Deed.

Rausch asked about the bike path and was told it would be on the other side of Blue Star, beginning at Burger King. Smith asked if the buildings would be one or two-story and was told there are some of each.

Milauckas read two letters: (1) Martha Myers, 6542 134<sup>th</sup> Ave., stated she thought this project did not fit with the individual homes going up nearby and wondered how her property would be protected from trespass by those walking on the "trails," and (2) the Fire Department representative stated there should be an additional fire hydrant marked by a sign. Bryant stated that a fence could be erected as a buffer for Myers' property. It was suggested that Bryant confer with the Fire Department to resolve a seeming discrepancy and ask the Fire Department to send an amended letter.

Milauckas opened the hearing to public comment, and Craig DeMond, 3325 Blue Star, wondered about possible contamination from the proposed septic system because he has a shallow well and the ground water is very high, coming into his basement at times. One house stands between his and the project. He also wondered about residential uses being a deterrent to the sale of neighboring property for commercial uses.

Deb Smith, 3333 Blue Star, also was concerned about her well, since she is right next door to this project. It was determined that the proposed drain field is 30 feet from Smith's well. Vos stated that when they perked the soil it was sand 6 feet down.

DeMond also asked what happens to the septic system when sewer is connected, and Vos said the drain field would remain, one of the septic tanks would act as a lift station for the sewer, if needed, and the rest would be broken up and removed.

There being no further public comments, Olendorf made a motion to close the public portion of the hearing, and Rausch seconded. The motion carried.

It was clarified that the preliminary site plan being considered is dated January 29, 2004. Sisson reviewed his memo dated February 23, and Vos indicated that the size of collection line for future sewer should read 8-inch instead of 6-inch. It was suggested that the primary drain field and reserve drain field be reversed in position to relieve concern for neighboring wells. The final decision lies with DEQ, however. Master Deed

restrictions on outbuildings was verified. Bryant stated that the trees would be preserved, if possible, in the formation of retention ponds, and existing trees must still be located. Milauckas stated that an inventory of existing vegetation must be supplied for the preliminary review, and Sisson suggested aerial photography as a means of making that inventory. Density was satisfied with a calculation by Sisson: 26.8 units allowed in R-1 on the 7.7 acres, minus roads, etc. Olendorf asked if the motel were sold off in the future and the new owner did not want the duplex owners using its facilities, what would happen, and Sisson said the Master Deed would control the relationships one to the other. Vos said the properties have been split but are intended to be “wedded.”

Milauckas led the Commissioners through the standards of Sec. 40-779, and there were no objections, but Sisson recommended including information in the Master Deed for duplex buyers that neighboring property could be sold for commercial use. Rausch asked about lighting and was told that three are proposed but they are not on this plan.

Olendorf made a motion to table the preliminary plan for Timberline to the next meeting so the following can be submitted: an inventory of trees, appropriate lighting, placement of drain fields to accommodate the concerns of neighbors, building elevations, proper footprints for buildings, amended letter from Fire Department concerning hydrants, indications of what will be included in the Master Deed, and a calculation of green space. Smith seconded. The motion carried. Milauckas asked the developer not to disturb trees on the proposed reserve drain field until the field is needed.

Milauckas then introduced the SAU hearing for North Point Commercial Plaza just north of the township hall, a multi-tenant use of less than 30,000 s.f. in C-2, and a site plan review thereof. Secretary Smith read the notice published in the newspaper, and Milauckas stated that proper notices have been sent to neighboring property owners.

Thom Carpenter explained that there are 2.37 acres of property owned by Economides on which a SAU had been approved for a similar plan a few years ago. He said the size of the buildings has been reduced somewhat, parking spaces have been added, the loading zone has been placed to the rear of the buildings, and landscaping has been added. Mentioning some of the prospective tenants, he affirmed that there would be no drive-ups. Milauckas reminded the P. C. that the former approval was under the prior Ordinance. He stated that the ZBA has given a variance to the requirement that 20% of parking be in front on the site, but the P. C. is not bound by the ZBA’s decision (refer to Sisson’s memo, dated Feb. 21, 2004). Carpenter explained that consistency with adjoining properties and the configuration of the site dictated that parking be in front and loading behind the buildings. He said they were advised by the Z. A. to appear before the ZBA before coming to the P. C.

Milauckas opened the hearing to public comment, and there was none, and there also were no written comments from the public. Therefore, Olendorf made a motion to close the public portion of the hearing, Rausch seconded, and the motion carried.

A letter from the Fire Department stated that sprinklers would be required in both buildings and a sign needed to mark the fire lane near the hydrants. Sisson’s memo was discussed. He first explained that the property to the east is being used as residential, but it is actually C-2, and the setback does not have to be 50’; however, it should be screened. He wondered if 1/200 parking ratio to s.f. would be enough if restaurants and video stores were included. A 40’ green strip is required on the front of the site; therefore, 14 parking spaces would have to be eliminated which encroach on that setback. Side yard setbacks are not adequate. No variances have been given for these requirements. It was suggested that the plan needed to be reduced, because this parcel is only 300’ deep, whereas most commercial parcels are 500’. The developers maintained that having storefronts on both the front and the rear of the building was too expensive for most

retailers, and that is what would be needed if 20% of parking were in front and the rest in the rear of building. The trees required by the Ordinance would be of such size as to hide the retail ventures, according to the applicant. Sisson made it clear that the SAU could not be awarded without a site plan. However, Milauckas said the P. C. could agree to waive the 20% parking in front rule.

After many suggestions of ways to revise the plan, Olendorf made a motion to table the SAU and site plan review with the understanding that we would come back to consider a plan to waive the 20% parking requirement and with the structures reflecting a more minimal approach. There was no support.

Shanahan made a motion to waive the 20% parking in front requirement. Smith seconded. Milauckas said he could not vote to allow all the parking in front, he was not convinced the parcel was big enough for this plan, and he was not convinced the buildings could not be moved up and the Ordinance met. Shanahan said he was thinking of a scaled back version. Olendorf liked the berms and could agree with a smaller plan. Darpel agreed there was too much on that parcel. Shanahan withdrew his motion.

Olendorf made a motion to consider a diminished project with all the parking in front, but meeting other standards. Shanahan seconded, and a roll call vote failed with Olendorf, Smith and Shanahan voting YES and Milauckas, Rausch and Darpel voting NO.

Milauckas made a motion to table further review of this application to the next meeting. Olendorf seconded, and the motion carried. The applicants were instructed to let the Z.A. know well in advance of the next meeting what they intended to do.

Tom Bolhuis presented his site plan to build a new Olde Tyme Boat Shop with office space and storage in the I-1 district on Jack Wilson Drive. He has already sold the original building where he has been since 1986 and is paying rent on it currently. Milauckas asked about an excavated spot on the site and was told that is where the new building will go. He proposes a pump and haul septic system because there is no soil to perc, and the Health Department has been consulted. Bolhuis said the Z.A. gave him a list of content requirements and checked the ones that apply. There is an asphalt and gravel drive. Ditches will channel storm water to the ditch along Jack Wilson Drive. There will be no landscape plan. Exterior lighting will be high-pressure sodium lamps on the side of the building. There is no trash receptacle because he does not need one. The existing sign will be removed because none is needed.

Olendorf made a motion to approve the site plan for the Olde Tyme Boat Shop with the contingency that the applicant provide for either an on-site storm water retention plan or an engineered plan for water removal subject to Allegan County Drain Commission approval. Darpel seconded, and the motion carried.

Milauckas gave an up-date on the Tri-Community survey. He announced a local meeting on greenspace March 15 and a workshop by the Michigan Planning Society April 6 in Grand Rapids at the Eberhard Center.

Shanahan explained that in his motion to approve the Legacy Property's project January 26, he included the requirement that they provide a letter of credit. He said he has discovered since then that there is no reason to require that of them and it would cost them \$2000. He made a motion to eliminate the requirement of "an irrevocable letter of credit" from the motion to approve the final plan for Legacy Property Development's site condo (page 3). Olendorf seconded and the motion carried, with Rausch abstaining as she had throughout the discussion of this project.

Meeting adjourned at 11:00 P.M. The next regular meeting is March 22 at 7:00P.M.

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Betty A. White, Recording Secretary

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Lissa Smith, Secretary

### **MOTIONS**

1. Motion by Rausch/Smith to adopt 11-24-03 draft of the Zoning Text and Map Amendment Ordinance, except for Map changes and allowing for possible additional public hearing if Atty Bultje deems it necessary.
2. Motion by Shanahan/Olendorf to approve October 20, 2003, minutes.
3. Motion by Rausch/Smith to approve January 26, 2004, minutes.
4. Motion by Olendorf/Rausch to close public portion of hearing on preliminary plan for Timberline mixed use commercial/residential PUD.
5. Motion by Olendorf/Smith to table preliminary plan for Timberline PUD until additional information is provided.
6. Motion by Olendorf/Rausch to close public portion of hearing on North Point Plaza in C-2.
7. After several attempts, motion by Milauckas/Olendorf to table consideration of North Point Plaza.
8. Motion by Olendorf/Darpel to approve site plan for Olde Tyme Boat Shop in I-1, with a provision.
9. Motion by Shanahan/Olendorf to amend Shanahan's motion of January 26 to approve Legacy Property Development's final plan to exclude requirement for letter of credit.