

SAUGATUCK TOWNSHIP PLANNING COMMISSION

April 26, 2004

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

Present: Darpel, Milauckas, Olendorf, Rausch and Shanahan

Absent: Phelps and Smith

Also present: Bryant and Vos for Timberline, Dale Bauer and Thom Carpenter for North Point, Scot Post for Legacy Development, and members of the public.

Chairman Milauckas called the meeting to order at 7:05 P.M. Shanahan made a motion to approve the minutes of March 22, Darpel seconded, and the motion carried. Milauckas made a motion to approve the minutes of the special meeting of April 7, Rausch seconded and the motion carried.

There being no public comment on unrelated issues, Milauckas continued the review of proposed Timberline PUD mixed use in C-2, which had been tabled for information from consultants on community septic systems and density calculation. The site plan under consideration is dated 4/13/04. Vos explained the changes made because of the discussion on April 7: (1) A 4-foot high woven wire fence added along the property line with Myers' property; (2) The force main shown on south boundary; (3) Path on north moved to high ground in common area; and (4) Street lights added to plan, including a change at entrance.

Sisson's April 20 memo showed a density calculation of 3.69 residential equivalent units per acre, which is acceptable for R-1, given the size of the complete parcel. Olendorf asked what provisions were made to deal with the possible sale of the commercial aspect in the future. The applicant stated that the By-laws will be presented for the final approval; this is the preliminary plan and he is not prepared at this time, but he will pursue this with his lawyer.

Discussion ensued regarding the possibility of joining with Legacy Development's Gaslight Estates on 134th Ave. in securing public water and sewer for both developments because of their proximity to each other, but the two developers have not met on this issue. Legacy is expanding with Phase II but has not approached the Township Board as yet. The time table is uncertain so Timberline might need some septic system provision in the interim. Milauckas asked if large trees in front could be saved as buffer and the drive moved and curved, and he penciled in a possible change. Vos was concerned about the taper going past the south property line and about draining onto neighboring property.

The Commissioners examined Sec. 40-779 in the PUD ordinance, the four standards for preliminary approval, and determined that Timberline's PUD conformed.

Olendorf said he was under the impression that the project could be done with individual septic systems, and Vos replied that they could not construct nearly as many units because of the required setbacks. Shanahan said he thought, because Legacy Phase II has not been approved yet, the Planning Commission should still consider the community septic system included in the site plan, with the stipulation that the applicant be required to participate in public sewer when it becomes available. Shanahan made a distinction between true wastewater treatment systems and community drain fields. Olendorf said he could not see going to a community septic system to allow for more structures to be built, and Vos countered with the idea that with this system they would be ready to connect immediately to public sewer for the whole complex. Vos said in order to connect, they needed the sewer to be brought to their property.

Shanahan made a motion to approve the preliminary plan for Timberline's PUD with the condition that the applicant work with Legacy Development's Phase II on looping the water and connecting with public sewer; but if this is not possible, that Timberline would use the community septic system proposed, regulated by the following:

- (1) The project should be required to have an Association of Owners.
- (2) Among the duties and responsibilities of the association will be the long term operation and maintenance of the private sewage system and the collection and distribution of funds for system maintenance and operation. This will likely entail the collection of an annual fee from each owner. An initial (fee) contributed by the developer or "seed" money is also suggested. Wording in the by-laws/restrictive covenants that allows the use of collected funds to be used for the payment of a future special assessment for public sewer is also suggested.
- (3) The Township of Saugatuck should be included in the association by-laws/restrictive covenant as a third party beneficiary. This will assure that the provisions cannot be changed without Township approval.
- (4) The developer should be required to be a signatory in a special assessment agreement specifying that all of the subject property will be included in any future special assessment for public sewer serving the site. This agreement should bind any and all future owners.
- (5) The Township's attorney should be involved in the preparation or should review and approve the wording of the above deed restrictions and agreements;

and with the condition that the Planning Commission be able to review the By-laws, which will contain provisions clarifying the continued combination of the commercial and residential components of the PUD. Olendorf seconded, and a roll call vote was unanimous in approval.

Milauckas directed attention to the SAU application for North Point Commerce Center, tabled from the February 23 hearing, and a newly revised plan dated 4/26/04, different from the revised plan furnished the Commissioners before this meeting. Carpenter reviewed changes: One building of 19,160 s.f. (less than 20% coverage), 97 parking spaces, 67% of which is in front and 33% in rear, no building or green belt encroachments, greater buffering, split loading areas to accommodate larger store. He reminded the Commissioners that the ZBA had given a variance to the requirement of 20% parking in front, that the investors and their end users demanded that most of the parking be in front, and that they are only seeking SAU approval tonight, not site plan approval. One of the group of owners explained that two anchor stores would be Movie Gallery and Dollar General, and Commissioners made the point that perhaps a chain store is not flexible enough to conform to local tradition or retain the flavor intended by the ordinance. The access from Clearbrook Drive has not been approved by the Township Board, but the planned connector to the gas station is possible, according to Carpenter.

Milauckas asked for the feelings of the Board, and Olendorf and Darpel said they would reject and Shanahan and Rausch said they would table. Carpenter, Bauer and the investor excused themselves for a caucus.

In the meantime, Scot Post presented an amendment to Legacy Development's Gaslight Estates site condo site plan for a Phase II. Rausch recused herself again from discussion and voting on this project because she is a neighbor. Post explained the changes to the original site plan to allow access to the property next door which Legacy hopes to purchase from neighbor Myers and create Phase II. Altogether there would be 52 homes without access to 134th from Phase II, only one access to the public road. Post said he had checked with the Road Commissioner, who referred him to the Fire Chief, and the latter required a turn-around only. The revision includes stubs for connection to public water and sewer. Post said 8" sewer serves 400 homes.

Shanahan made a motion to approve the amended plan for Legacy Development's site condo, dated April 4, 2004, and Olendorf seconded. The motion carried.

The group for North Point returned and Carpenter asked for a SAU with the condition that the plan be revised so that no more than 60% of the parking exist in front of the building, shifting 7 spots to the rear. Milauckas made it clear that the applicants were amending their 4/26/04 plan at this meeting, and the applicants agreed. Shanahan made a motion to deny the amended 4/26/04 plan, Darpel seconded and the motion carried unanimously by roll call vote.

Olendorf asked what the Commissioners wanted to do about Kostyla's claim that the tape of the discussion of White Birch Farms indicated that the "future expansion" area should continue to be zoned R-3, and consensus was to let Kostyla bring it up again.

Rausch asked if anything had been done about Onken Builders' use of extra driveways. **SHANAHAN SAID HE WOULD ASK ELLINGSEN TO ENFORCE THE CONDITIONS.** Also on future agendas: (1) Lighting at the Pump House Gym, and (2) The possibility that the Commercial Zone requirements are too inflexible in light of the North Point Commerce Center's demands for parking.

Meeting adjourned at 10:17 P.M. The next regular meeting is May 24 at 7:00 P.M.

Betty A. White, Recording Secretary

Lissa Smith, Secretary

MOTIONS

1. Motion by Shanahan/Darpel to approve minutes of March 22.
2. Motion by Milauckas/Rausch to approve minutes of April 7.
3. Motion by Shanahan/Olendorf to approve the preliminary plan for Timberline's PUD with conditions.
4. Motion by Shanahan/Olendorf to approve the amendment to Legacy Development's site plan to allow for Phase II.
5. Motion by Shanahan/Darpel to deny North Point Commerce Center's amended 4/26/04 plan for SAU.