

SAUGATUCK TOWNSHIP PLANNING COMMISSION

May 24, 2004

The Saugatuck Township Planning Commission met on May 24, 2004, at the township hall on Blue Star Highway, Saugatuck, Michigan 49453.

Present: Darpel, Milauckas, Olendorf and Rausch

Absent: Phelps, Shanahan and Smith

Also present: Z. A. Ellingsen, Scot Post and Steve Krohn for Legacy Development, Sidney Banach, Thom Carpenter and Atty Joel Bouwens for North Point Commercial, and two members of the general public.

Chairman Milauckas called the meeting to order at 7:08 P.M. Olendorf made a motion to approve the minutes of April 26 and Rausch seconded. The motion carried.

There being no general public comment, Milauckas opened the public hearing on a request by Sidney Banach, 2605 Blue Star Hwy., Fennville, in A-1, who has a taxi service as a home occupation, for a 4'X6' sign near the ROW in the front yard. Olendorf read the notice published in the newspaper. Milauckas verified that appropriate notice had been given the neighbors and there had been no letters or phone calls. Banach explained that he would like to display the sign he has already installed to advertise his taxi business. His neighbor, owner of Studio 126 and creator of the sign, said he did not object to it. Milauckas discovered that the home occupation was approved and then explained that the allowed sign should be 3'X3' attached to the home. Anything else requires SAU. After some discussion about whether he had "walk-in" business, and how far from the ROW the sign is, Rausch made a motion to close the public portion of the hearing. Darpel supported and the motion carried.

The commissioners examined Sec. 40-693(b) to consider the four standards for SAU. Rausch made a motion to approve the SAU for the sign as meeting those standards. The motion failed for lack of support. The applicant said he did not want a sign on his house because nobody would see it.

Olendorf made a motion to reject the request because it does not meet the requirements for SAU standards No. 1 or 2 of Sec. 40-693(b). Darpel supported and a roll call vote showed 3-1 in favor. Milauckas explained that this decision may be appealed to the ZBA in 45 days.

Milauckas then opened a public hearing on a residential site condo by Legacy Property Development at 6542 134th Ave., which is Phase II, and directly west, of the already approved Gaslight Estates. Olendorf read the notice published in the newspaper. There was discussion about the recusal of Rausch. Milauckas pointed out that she does not live next to this portion of the development, and he asked Krohn, the developer, if he had any objection to her participation. Krohn said, "No." There were no members of the public who wanted to comment on this project.

With Krohn's permission, Milauckas decided to deal with North Point Commercial Plaza first. He gave the history of the proposal: twice tabled, discussions about parking issues, a ZBA variance concerning the 20% requirement for parking in front of the building, several amended site plans, and final denial of project on April 26, but SAU never addressed. Atty Bouwens, representing the developers, said they wanted a determination on the SAU, based on the site plan of 4/26/04. In spite of the verbal revision made at the meeting, the developers want the plan reviewed as presented, which shows 67% parking in front. Bouwens went through the four standards for SAU approval, maintaining that the plan fits those requirements. Milauckas asked Bouwens how the Commission should deal with the parking issue, and Bouwens said the

ZBA's variance to the 20% requirement for parking in the front has dealt with that. He added that if you are unhappy with the ZBA decision, you take your complaint to the Circuit Court. Nobody did.

Olendorf made a motion to table the application until the Planning Commission is comfortable with the site plan's meeting the standards. Darpel seconded. Milauckas pointed out that this is not a site plan review. The motion failed on a 2-2 vote.

Olendorf made a motion to approve the SAU with the condition that no more than 40% of the parking be in the front of the structure, and that no other component of the site plan be included in this motion. The motion failed for lack of support.

Darpel questioned Bouwens' take on the SAU standards being met by this project. There are no other mini malls in the neighborhood. Milauckas questioned how the public hearing on this project could have treated the site plan if the decision was only to be on whether the SAU could be awarded. He thought there should be an established policy that a detailed site plan should be required for a SAU application. Bouwens stated that if the commission felt they could not vote on a SAU without the site plan, then this 4/26/04 plan is the one to vote on.

Olendorf made a motion to deny the SAU for North Point based on the feeling that site plan 4/26/04 does not meet the standards of Sec. 40-693(b) 1,2, and 3. Rausch seconded. The roll call vote was 3-1 in favor.

Returning to Legacy Property Development's public hearing, Milauckas affirmed that proper written notice had been made of the hearing. Scot Post explained the changes made to Phase I to access Phase II, which will have 25 new lots, served by public water and sewer. There will be no more driveway cuts to 134th. There were no public comments, no letters, and Milauckas closed the public portion of the hearing.

The Commissioners considered the memo from Planner Sisson dated May 20. Post said the attorneys are drafting an agreement between Legacy and Timberline on coordination of the water and sewer connections. The point was made that the street and lighting plans should be reviewed by the township engineer. A letter of compliance from the Fire Chief will be furnished. The hairpin curve at lot 15 could be modified, according to Post, by making a wider elbow, with Sisson's input. The concern for a second outlet to 134th was assuaged by employing the utility easement as an emergency access. It would be built with a sub-base and covered with grass. Milauckas asked Post to mark that emergency access on the site plan. The break-away gate would be at the option of the two developers.

The commissioners reviewed Sec. 40-938 for the preliminary plan. Milauckas reminded the developer that Sec. 20-199 of the Subdivision Control Ordinance must be met. Olendorf made a motion to approve the preliminary plan for Phase II of the site condo, with the following conditions: that the plan be changed to revise the degree of the western curve in the road with Planner's agreement; that the final plan contain provisions for ingress/egress to Blue Star Highway, currently indicated as the utility easement; and that approval letters be presented from the Fire Chief, the Drain Office, KLSWA, and Zoning Administrator and notice be given the School District. Darpel seconded. A roll call vote produced unanimous approval.

Letters in response to Ellingsen's queries to various parties in the township were discussed. Onken Builders replied that they never intended to use a secondary driveway. The Paintball operator on 63rd St. has refused to respond to the letters that he is in violation of the Ordinance. Pump House Gym will meet with Ellingsen on Tuesday about complaints on glaring lights and the appearance of the building. Rausch said this is really a metal pole barn and the drawings were not reflected in the finished project. Metal pole barns are not allowed on Blue Star Hwy. The Planning Commission had asked the owners to soften the appearance of the

metal building, and one of the owners had suggested using shutters and landscaping, but nothing has been done.

Meeting adjourned at 9:55 P.M. The next regular meeting is June 28 at 7:00 P.M.

Betty A. White, Recording Secretary

Lissa Smith, Secretary

MOTIONS

1. Motion by Olendorf/Rausch to approve minutes of April 26.
2. Motion by Rausch/Darpel to close the public portion of the hearing on Banach's request for SAU for a sign on his property.
3. Motion by Olendorf/Darpel to reject SAU for Banach's sign.
4. Motion by Olendorf/Rausch to deny SAU for North Point Commercial Plaza.
5. Motion by Olendorf/Darpel to approve preliminary plan for Phase II of Legacy Property Development's Gaslight Estates, with conditions