

## SAUGATUCK TOWNSHIP PLANNING COMMISSION

December 12, 2005

The Saugatuck Township Planning Commission met on December 12, 2005, at the Saugatuck High School Media Center on Elizabeth Street, Saugatuck, Michigan 49453.

Present: Olendorf, Milauckas, Hanson, Marczuk and Darpel

Absent: Rausch and Jarzembowski

Also present: Z. A. Ellingsen, Planner Sisson, Klemm and Vos for Orchard Valley Site Condo, Mike Frazer.

Chairman Hanson called the meeting to order at 7:02 P.M. Milauckas made a motion to approve the minutes of November 28 as amended as follows: Page 2, 4<sup>th</sup> paragraph, 4<sup>th</sup> line down," Hanson said he does not think the IFC says there should be no large development in the Indian Point area, as Fire Inspector Janik has stated in his letter of October 19, but rather that if a development is plan without considering two accesses when possible, that violates the IFC." Page 3, 4<sup>th</sup> paragraph, "Neumer", "Hanson observed that no one expressed any concerns at the meetings on the subject." 5<sup>th</sup> paragraph, "Hanson also said Emmerich (Deep Harbor, which was on the agenda) wrote a letter saying he didn't want to continue seeking a site plan approval at this time." Darpel seconded and the motion carried.

Public comment: Mike Frazer, 10572 Osbourne St, Grand Haven, are interested in having a small veterinarian clinic on 3277 Blue Star Highway. Z. A. Ellingsen stated he would have to have a special approval use.

Chairman Hanson is planning on attending the Ganges Township meeting to let them know about the concern about the Commercial strip on the northern side of Ganges Township.

Chairman Hanson received a letter from Phil Quade, Saugatuck Manager, regarding the budget for Planning & Zoning Department.

Milauckas, gave Chairman Hanson, the September 20, 05 final draft for the land use plan for Clyde Township.

Jeff Klemm, Orchard Valley/Meadowargus condominium, was requesting a final approval from the Commissioners. Klemm had a brief discussion indicating a change of the pathway and pool area, but not introducing any new items.

Jeff Vos, Engineer for Orchard Valley, explained that they moved the path between lots 21 & 22 and showed it as an easement and would have open space area there. Vos mentioned that they had their pre-application conference with Douglas; Douglas concerns were to make sure that the township knew that the developer would maintain the gravel base up to the cul-de-sac to 129th until phase II is constructed. Douglas also mentioned their concerns about who would maintain and have the ownership of the pathway that lies

in Saugatuck Township. Klemm replied that he would construct the pathway even if it were a public easement. Also the hydrants will be in place in phase I. Olendorf questioned the tax issue between the two municipalities in that development. Each Township and City lot will have the same value and will have use of the open space that lies in Saugatuck Township. Klemm has their public hearing with Douglas in January, which would be their final approval.

Milauckas questioned if Douglas would have any issues that incorporates with the township. Planner Sisson replied that if Douglas denies it or wants a change in the plan they would have to come back to the Township Planning Commission for approval also. Milauckas is concerned that Douglas hasn't received any public comments, which may affect their decision for the project. Planner Sisson said there could possibly be 2 issues, the road and utilities. Logically nothing is going forward until both municipalities approve it.

Planner Sisson and Commissioners discuss and made changes of the remaining site plan issues:

1. Bike path has been moved between lots 21 and 22.
2. Extending the pathway along side the expressway so it will minimize interaction with cars as much as possible.
3. Pool would be considered open space. There will be no parking. You would have to walk to the pool on one of the common pathways. One of the pathways would be big enough to get a vehicle through due to maintenance or emergency situations.
4. The pathways would be developed during Phase I while the road and homes are being built.
5. In terms of ownership of the pathway between Wiley Road and 129<sup>th</sup> Ave. The developer and assigns shall grant to the Saugatuck Township a license, allowing the Township, in its discretion and in consideration of liability arising from its public use, may open the pathway to public use. This provision shall be contained in the master deed and cannot be changed without permission of Saugatuck Township. Condominium documents containing language that allows for public dedication for interconnecting pathway segment indicated on the plan. For future potential public easement for public use for a non-motorized trail at discretion of an accepting public agency. The pathway shall be constructed by the developer and shall be completed as part of the completion of Phase II.
6. Sidewalks should remain private unless the association wants to come to the township to have it a public facility. Sidewalks should be installed on each lot as a condition of occupancy. Each phase of the development within the township the developer shall be responsible for installing the sidewalks along the frontage of the open space area.

Phasing-Commissioners discussed the phasing of the development, which in 2 years if they are not ~~in~~ CONSTRUCTING Phase II than E it will come back to the planning commission ~~and regroup~~ FOR REAUTHORIZATION. Klemm had asked if there could be an end date or a limit on the project. In section 40-818(c) the language reads: Site plan

approval is valid for a period of one year from the date of Planning Commission action. Within that year, substantial progress towards completion of the site plan must be achieved: after that year, progress must continue at a reasonable pace to full completion. If these requirements are not met, the Planning Commission may in its discretion grant an extension or allow the site plan approval to become invalid and void. In deciding whether to grant an extension, the Planning Commission shall consider the following standards:

1. Whether the construction encountered unforeseen difficulties; and
2. Whether the construction is now ready to proceed to completion.

Planner Sisson recommendation was that you should only grant final approval for Phase I separately from Phase II. Approval granted by this resolution shall be valid for 1 year in comply with Sec. 40-947: No approval of a final Site Condominium Project Plan by the Planning Commission shall be effective for a period of more than one year, unless construction of the project commences within that one-year period and is diligently pursued to completion in accordance with the terms and conditions of the approval. The Planning Commission in its discretion may extend this one-year period for additional periods of time as determined appropriate by the Planning Commission if the applicant applies for the extension within the effective period of the approval.

Planner Sisson replied to give a 2-year approval for lot sizes, lot orientation, and street layouts. Time period may be extended if applied for and consented to, if applied for in writing, to the Planning Commission.

Milauckas made a motion TO TABLE TO THE JANUARY 23 MEETING for a final approval of Phase I and a preliminary approval for OF Phase II of Medowargus for the January 23<sup>rd</sup> Planning Commission meeting to finalize the approval based upon the SUBJECT TO THE FOLLOWING three conditions:

- 1) ~~Verification agreed on an amended resolution is approval.~~ CHANGES REFLECTED IN THE DISCUSSION AT THE PLANNING COMMISSION MEETING OF 12/12/05 ARE INCORPORATED IN THE DEVELOPMENT PLAN AND RESOLUTION;
- 2) ~~City of Douglas requires further review.~~ NO INFORMATION THAT REQUIRES TOWNSHIP TLANNING COMMISSION REVIEW IS BROUGHT FORWARD AT THE PUBLIC HEARINGS ON THE DEVELOPMENT TO BE HELD IN THE CITY OF THE VILLAGE OF DOUGLAS IN JANUARY;
- 3) ~~Amended submitted site plan review changes concerning potential public use of bike path, open space between lots #21 & #22 and provisions limiting the pool area and requiring future site plan review for the pool.~~ REVISED SITE PLAN IS PRESENTED SHOWING PATHWAY IN OPEN SPACE, AND NOT IN AN EASEMENT BETWEEN LOTS 21 AND 22, AND SHOWING PATHWAY EXTENDING TO CONNECT WITH THE ROADWAY BETWEEN LOTS 38 AND 39. PATHWAY FROM CUL-DE-SAC TO ITS JUNCTION WITH THE ROADWAY BETWEEN LOTS 38 AND 39 SHOULD BE LABELED "POTENTIAL PUBLIC EASEMENT FOR NON-MOTORIZED TRAIL AT DISCRETION OF ACCEPTING PUBLIC AGENCY.

Marzuck seconded the motion and the motion carried.

The Commissioners discussed that it will be Phase I and a Phase II.

After a brief recess, the meeting resumed under other business. Milauckas stated in the chart, Appendix A Zoning Ordinance, under Uses in the Planned Unit Development Mixed Residential/Commercial R-3 & R-3B are NO for a PUD but in the R-4 it has yes for a PUD, change it to NO. Under the Uses, Single Family Dwellings change it to PUD instead of NO pud. **CONSENSUS BY THE PLANNING COMMISSION AND SISSON THAT THESE CORRECTIONS NEED TO BE MADE IN THE PROPOSED DRAFT OF THE AMENDMENT ORDINANCE.**

Hanson read a letter from McShane & Bowie representing Joseph Jannotta, who has township property adjacent to Exit 41. He is opposing the proposed ordinance where his property is. The proposed zoning ordinance would rezone part of his property. Commissioners discussed it and then decided to ask Bultje what is justified.

Chairman Hanson replied that he went to the Township Board and said that the Planning Commission had a problem with the International Fire Code. Hanson had 2 thoughts – enforce the zoning ordinance & refer to the fire dept. as an approval. There will be a workshop held Jan. 4 before the township board meeting with the township board and the fire dept. and Z. A. Ellingsen to address the IFC.

Chairman Hanson said he had a conversation with the Saugatuck City Chairman PC and he was told that they send their notices to the adjoining municipality for public hearings. Z. A. Ellingsen stated that it's their responsibility to send notices to the parcels within 300 feet even if they cross jurisdictions.

Olendorf stated that the time line for the proposed ordinances is that if it is sent to Allegan in January and they approve it with in 30 days than it will go to the Township Board for approval and so were looking at March if everything goes smoothly.

Olendorf responded to Quades letter by mentioning a couple options to have a moratorium on developments due to financial reasons. The other option is to increase the charges. Z. A. Ellingsen mentioned that the PC is more scrupulous on projects and developments, which cost more money. Also there are more rules and regulations and concerns than in the past. The Commissioners discussed in further detail.

Meeting adjourned at 11:10 P.M. The next regular meeting is January 23, 2006 at 7:00 P.M.

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Lori Babinski, Recording Secretary

### **MOTIONS**

1. Motion by Milauckas/Darapel to approve the minutes of November 28 as amended.
2. Motion by Milauckas/Marczuk to ~~approve~~ TABLE

the final approval of Phase I and a preliminary approval for Phase II of Medowargus to Jan. 23 meeting with 3 conditions.