

SAUGATUCK TOWNSHIP PLANNING COMMISSION

January 23, 2006

The Saugatuck Township Planning Commission met on January 23, 2006, at the township hall on Blue Star Highway, Saugatuck, Michigan 49453.

Present: Hanson, Marczuk, Milauckas and Olendorf

Absent: Darpel, Jarzembowski and Rausch

Also present: Planner Sisson; Z. A. Ellingsen; Klemm and Vos for Meadowargus; Smit, Hoppen and Sunil Patel for gas station; Gorgas, Oylar and Raad for Goshorn Woods; Atty Bowie representing Joseph Janotta; and members of the general public.

Chairman Hanson called the meeting to order at 7:15 P.M. Olendorf asked Hanson to find out from the township board whether the P. C. would be involved in the site plan review for the Wolters property.

Minutes of December 12, 2005, were amended as follows: Page 2, last paragraph should read, "which in 2 years if they are not constructing Phase II then it will come back to the planning commission for reauthorization;" Page 3, middle paragraph should read, "Milauckas made a motion to table to the January 23 meeting for final approval of Phase I and preliminary approval of Phase II of Meadowargus, subject to the following three conditions: (1) Changes reflected in the discussion at the Planning Commission meeting of 12/12/05 are incorporated in the development plan and resolution; (2) No information that requires Township Planning 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) 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;'" also on Page 3, last full paragraph, add "Consensus by the Planning Commission and Sisson that these corrections need to be made in the proposed draft of the Amendment Ordinance;" and Page 4 under MOTIONS, No.2, change "approve" to "table." Olendorf made a motion to approve the December 12, 2005, minutes as amended, and Milauckas seconded. The motion carried.

Public comment and correspondence: Hanson listed correspondence which included a letter from Joseph Janotta about the proposed rezoning on his property near Exit 41, a verbal answer from Z. A. Wallace of Douglas that they will comply with the request to notify appropriate neighbors in the Township when a hearing is taking place in Douglas, notice that MSU is holding training sessions on planning in February, letter from Quade stating that the IFC was adopted by the Township Board in its entirety, a letter from Reimink of Ganges suggesting they would rethink their commercial zoning along the south side of M-89, letters from Huyge and Palazzolo relating to a ZBA decision on Palazzolo's property, and an invitation to Ganges Township Jan. 31 to hear about their Master Plan.

Hanson invited Jeff Klemm and Jeff Vos to brief the P.C. on how their Meadowargus plan is progressing, and they presented a plan that they all agreed to date January 23, showing changes requested. Sisson read the conditions set in the approval by the City of the Village of Douglas. Klemm asked for final approval on the entire project, but was referred to Sec. 40-818 in the Zoning Ordinance, and he agreed to return within the initial 24 months for final approval of Phase II. Milauckas made a motion, supported by Marczuk, to offer the

resolution of January 23, 2006, as amended by adding that date in the blanks provided on pages 2 and 5, granting the final approval of Phase I and preliminary approval of Phase II to Meadowgus Site Condominium, based on compliance with Art. IX and XIII of the Zoning Ordinance. A roll call vote showed unanimous approval.

At 8:10 P.M. Hanson opened the public hearing on the SAU and site plan for a gas station on Al Blommaert's property within the C-3 Zone at Exit 36 submitted by Sunil Patel. Marczuk read the notice published in the newspaper. Steve Smit, Focus Engineering, presented the site plan and explained that besides the gas station with eight fueling stations in four pumps, a convenience store with fast food is proposed, but no auto repair nor car wash are included. No sale or rental of vehicles shall take place on the site. The site plan has been revised pursuant to Planner Sisson's comment and is dated January 18, 2006. Smit said water and sewer are available from 129th Avenue. A mitigation for wetlands has been submitted to the DNR. Craig Hoppen of J&H Oil, who is the go-between with Exxon-Mobile, stated that no "slave/master" fuel dispensers will be on-site. Sisson pointed out that the "one-way-in" drive was too wide and customers would be tempted to exit the same way, but Hoppen replied that the delivery trailer needed that much room to get to the diesel pump. Sisson suggested moving the diesel pump. Smit continued with the landscaping, which he said might not meet the Ordinance but would work better for the applicant. Sign location was shown on the plan. Lighting, though not shown on the plan, was discussed, and Hoppen said it would conform to Ordinance requirements. Marczuk asked what impact this station would have on other ones in the area and why another was needed. Patel said MDOT had found that there was enough traffic on I-196 and Blue Star Highway to warrant another. Olendorf brought up the inelegant entrance to the area from I-196, whether it was dangerous spilling onto a two-lane road, and whether a traffic study should be done. Sisson said he was concerned with the right turn proposed. Olendorf also enumerated the problems with MTBE spills in the area, and Hoppen said an ethanol blend would be sold as soon as it was available. Hoppen added he thought Michigan might require replacing MTBE gasoline with ethanol blends soon. Olendorf wondered if the pavement surface would provide the maximum in safety from spillage, and he was told that it met the DEQ guidelines written since 1991, that construction would be monitored by the DEQ, that it was the best available, and that the applicant carried insurance against spills, as well. Smit verified that the fire department's requirement would be fulfilled with a fire hydrant on the other side of the road.

Sisson pointed out the following discrepancies: (1) There should be a sidewalk connecting with the other parcels. (2) The drive to the pumps must be 250 feet east of Blue Star Highway, whereas the plan shows 150 feet. (3) The one-way-in drive is too wide. (4) The dumpster should be behind the building. (5) A floor plan for the mechanical area, the eating area and the retail store should be provided. (6) An expert independent review of the engineering should be required. (7) Exterior retail display of products should be shown. (8) Rotating the entire design was suggested to avoid having to go to the ZBA because the drive from Southgate should be moved. (9) Landscaping should comply with Ordinance. (10) Lighting and signage must be included in plan. (11) Building elevations should be shown.

Marczuk asked if Patel intended to apply for a liquor license and he said "Yes." Hanson was concerned about the fragility of fuel tanks and said he knew of an expert who could perform the independent inspections. Hanson also said he was disappointed at the seeming lack of originality in the building design, and Patel said the pictures did not reflect what the station would look like.

Hanson opened the meeting to public comment, and Linda Salisbury, 6364 Silver Lake Drive, asked why we need another gas station after enumerating all the existing ones in Saugatuck, Douglas and down to M-89. Milauckas said he was not sure it was appropriate for the P. C. to consider this.

Milauckas asked where the surface water goes and Smit said it goes northeast. Milauckas also asked how spills would be contained, and was told that spills would go into a catch basin, which acts like a septic tank, and from there into a swale, which would have to be dug up. The fuel would float on top of the water in the catch basin, which has a volume of 2500 gallons. When Milauckas and Olendorf brought up the landscaping, there was consensus that it should conform to the Ordinance, and Smit said it would. Milauckas also brought up the buffer on the north which is too narrow, must be 40 feet, and reiterated that lighting should be directed down. Olendorf said signs should not be like the usual high ones on interstates, 10 feet in height as per Ordinance. Milauckas asked how many diesel pumps there would be, and Hoppen said one pump, two dispensers. Olendorf and Darpel wondered if there could be a gable or peak on the canopy, and Hoppen said the fire department traditionally prohibits flammable materials on the canopy so it would have to be metal.

Marczuk made a motion to close the public portion of the hearing, Olendorf seconded and the motion carried.

Patel seemed agreeable to an independent outside engineer to review plans and later verify with inspections, reporting to the Zoning Administrator, and Hanson said he would give him the phone number. This provision would be a condition for site plan approval, and Sisson suggested a rating scale.

Milauckas made a motion, supported by Olendorf, to table Patel's application for SAU for a fueling station to the February 27 meeting for more information listed on Sisson's memo, dated January 18, 2006, for building design, and for the plan to be submitted to an independent expert. The motion carried.

After a brief recess, when Hanson brought Goshorn Woods PUD before the P.C., Milauckas asked if he should be recused, as he was when they first considered this project. He said the township attorney told him he could discuss it but not vote, and Hanson agreed they would only discuss. Gregg Raad, Nederveld Associates, reviewed the project adding that this plan is very similar to the preliminary plan already approved. He said the drain area has been changed after consultation with the Allegan County Drain Commission, and a letter from Kalamazoo Lake Sewer and Water Authority states water and sewer are available to the site. The 12-foot emergency access gravel drive covered with chips and grass is included in the plan, but the fire department wants a 20-foot width. He said the developers do not want this drive to look like something people would use to enter or exit the property, and he said they would work this out with the fire department. Hardwood trees have not been identified, but Gorgas said he has told the workers not to cut any hardwood trees and there are essentially 16 acres of old Scotch pines. The term "preserved open space" was "preserved woodland" on the preliminary plan. Raad said they would like to comply with the new lighting ordinance. Preliminary approvals have come from the Drain Commission and the Road Commission. He said the architectural plans have not been developed as yet for the Club House. Grading will be at a minimum except for taking down the knoll in one corner. Sisson asked where the material excavated from the detention pond in the northeast corner would be used, and Raad replied that it would be used on-site unless not needed, in which case it would be exported. Sisson wondered if any buffer will be left between this sight and neighboring houses. Gorgas said the northeast corner has a row of mature cedar trees, and he added that he has purchased land with evergreen trees, which he will substitute for the old trees on the property. Hanson asked him to specify on the plan where trees will be, where natural areas will be and where lawns will be. Sisson added that a reforestation plan could be detailed by noting on the plan the ratio of what's removed to what's planted, including type of tree, height, etc. Olendorf

mentioned a preference to indigenous trees listed in the proposed ordinance. Raad explained that the infrastructure will go in in 2006, but units will be constructed on market demand, and after a few buildings have gone up, the Club House will be constructed. Olendorf thought the building designs were inconsistent. Oylar asked for guidance on phasing, and Sisson said they should show a minimum circulation pattern and what follows in what order. Discussion ended with no resolution.

Hanson introduced Atty William Bowie, who represents Joseph Janotta, on the subject of the proposed rezoning of his client's property in C-3 at Exit 41. Bowie states in his letter, dated November 29, 2005, that the property being rezoned to R-1 is approximately the middle third, 11 acres, of Janotta's property, and he claims that the proposed rezoning is inconsistent with the potential use of the property because the only access to it is through a narrow entrance in C-3 zoned property on Blue Star and no one would want to build residences along I-196. It is surrounded by vacant property except for the Shell station. Hanson said he thought all three of Janotta's parcels would be included in the Mixed-Use Commercial/Residential Overlay District. Bowie said Mr. Janotta, who is in California for the winter, is not a developer, but anyone he would sell it to would want to create a PUD and it would be convenient to remain flexible. Sisson said even though it is in the mixed-use overlay, when you rezone to R-1, you send the message that you want to limit the commercial aspect. Bowie asked the P.C. to consider removing that proposed rezoning from the amendments before they go before the township board, and he wanted to be present when it is reconsidered. Hanson said he wanted to consult with the township attorney and wait until there are more planning commissioners present.

The Commissioners took up the proposed zoning amendments, and Milauckas expressed concern that the wording had been changed in the description of the Tree Protection Zone to exclude control over the area between the edge of the road and the ROW line. It was decided to go along with the township attorney's wording since the original wording would be unenforceable. Milauckas was also concerned about the provisions concerning narrowing private roads in easements serving four or fewer lots as having become very complicated, but Hanson insisted that the Z.A. has a time constraint in land divisions and standards are necessary to give the Z.A. guidelines in determining how wide the roads can be. Milauckas was further concerned about the provisions for second means of access to developments of more than 50 dwelling units and whether all three introductory paragraphs were related to 50 dwelling units. The IFC limit on 30 dwelling units was brought up. Hanson said there are also some areas where the attorney has changed the meaning or created redundancies, and all these issues will be addressed at the workshop Wednesday, January 25.

Meeting adjourned at 11:55 P.M. The next workshop meeting is Wednesday, January 25 at 7:00 P.M. The next regular meeting is February 27 at 7:00 P.M.

Betty A. White, Recording Secretary

Sandy Rausch, Secretary

MOTIONS

1. Motion by Olendorf/Milauckas to approve amended minutes of December 12, 2005.
2. Motion by Milauckas/Marczuk to offer amended resolution of 1/23/06 granting final approval of Phase I and preliminary approval of Phase II of Meadowargus Site Condominium.
3. Motion by Marczuk/Olendorf to close public portion of public hearing on SAU and site plan for Patel's proposed gas station-convenience store at Exit 36.
4. Motion by Milauckas/Olendorf to table discussion of Patel's fuel station to February 27 meeting for more information on list in Sisson's memo, building design and to engage an independent expert on fuel station construction.