

SAUGATUCK TOWNSHIP PLANNING COMMISSION

October 27, 2008

The Saugatuck Township Planning Commission met on October 27, 2008, at the township hall on Blue Star Highway, Saugatuck, Michigan 49453.

Present: Darpel, Hanson, Milauckas and Rausch

Absent: Edris, Jarzembowski and Rowe

Also present: Planner Sisson, Reginald and Pat Smith, Dick Waskin, and members of the general public.

Chairman Hanson called the meeting to order at 7:00 P.M. Milauckas made a motion to approve the September 22 minutes. Rausch seconded and the motion carried.

There being no general public comment, Hanson opened the public hearing on a request by Reginald and Pat Smith to rezone property at 6571 Bradley Rd. (aka 132nd Ave), Saugatuck, from partly C-2 and partly R-1 to all R-1. Secretary Rausch read the notice published in the newspaper.

Dick Waskin, speaking for the Smiths, explained that the Smiths' home, which is situated on the 2 ½ acre lot in question, has been for sale. A prospective buyer has requested that the lot be rezoned to completely R-1. Most of the surrounding properties are residential. This lot does not abut Blue Star Highway, although an adjacent triangular parcel on Blue Star also belongs to the Smiths. Hanson asked how many lots could be created out of the unoccupied part of the property, and Waskin said he thought they would not want to make more than one.

Sisson reviewed his memo of October 24, explaining that the applicant is not asking for removal of the Mixed-Use Residential/Commercial Overlay District in which the property lies. He added that the driveway through the adjacent triangular property to Blue Star is illegal and would not be available to any development on the lot in question without some specific variance or Township approval. He favored rezoning because he said it fit with the Tri-Community Comprehensive Plan.

The Smiths had obtained a SAU to build their home, according to a letter from Z. A. Ellingsen to Atty Bultje, dated September 5, and on condition of that SAU there was to be no access to Blue Star. However, Ellingsen wrote that he thought an easement could be created to Bradley Rd. from the northern portion of the lot in question.

Milauckas referred to "Mom and Pop Subdivisions," which allows for an initial split into four 20,000 s.f. lots in R-1 on a lot in existence when Sec. 40-230 was enacted. Sisson agreed.

Hanson read a letter from Larry Hanlin, 6576 Heron Ridge Rd., who said he owns property near the one in question, and he was in favor of the rezoning

Hanson opened the meeting to public comment, and Michael Coon, 3216 Sagewood Trail, which backs up to the parcel in question, maintained that because of the 1995 SAU condition of no access to Blue Star, the lot in question was inaccessible. He said the 33-foot easement for a drive would have to be set back 30-40 feet, so there is no legal ingress/egress to that parcel, at least according to the rules applied to him when he built. Coon added that he had been told for 10 years by Ellingsen that the property in question could not be split. Hanson replied that the Planning Commission does not make decisions on land divisions, only, in this case, on rezoning. If and when someone wants to divide the property, that issue would be handled by the Zoning Administrator. Milauckas made it clear that a rezoning of this property did not give the applicant the automatic right to subdivide.

Mike Oonk, 6587 Bradley, complained that buildings next to his home are right on the property line because it is zoned commercial. Hanson replied that the P.C. has a "to do" list including changing the commercial zone lines to be consistent with property lines.

Tina Oonk, 6584 Bradley, wondered why the Smiths didn't ask for this change when they bought the property.

John Migas, 6541 Bradley Rd., asked if the P.C. was going to change the Blue Star Commercial Corridor, and Hanson replied that he had gotten funding from the Township Board to examine everything between Clearbrook Drive and the river because according to the Tri-Community Plan, the township and the cities seek reevaluation of the commercial zoning there. He planned to restrict commercial to the property boundaries of the existing commercial uses, rather than the previous overall 500-foot band of commercial zone all along Blue Star. Migas asked if you had property that extended beyond the 500-foot commercial zone into the residential zone, could you use it for a commercial enterprise, and Sisson said if it is in the Mixed-Use Overlay District, the Planning Commission has the authority to grant a request for a PUD with mixed use on the entire parcel. Otherwise, commercial can only be developed on the commercial part of the parcel under present zoning.

Rausch made a motion to close the public portion of the hearing. Darpel seconded and the motion carried. The question arose as to whether the rezoning to residential negates the SAU previously granted under which there was a condition that the triangular piece could not be used for access to Blue Star. Would that result in allowing such access?

Milauckas made a motion, supported by Hanson, to recommend to the Township Board the rezoning of the Reginald Smith parcel #0320-010-066-10 from C-2 to R-1 as requested, based on the satisfaction of the criteria for reviewing and approving rezoning as discussed at this meeting. Rausch wondered if this would be spot zoning, and Sisson assured her it would not since the intent is to extend residential use, according to the goal of the Tri-Community Plan. The commissioners considered the following criteria:
1. What is the character of the surrounding property? Will the request for rezoning result in spot zoning? Primarily residential. No.

2. What is the suitability of the property for various purposes? Can it be used as it is zoned? Does it have to be rezoned in order to be reasonably used? Not accessible for commercial use.
3. What will be the effect on surrounding property values? Will not decrease.
4. What will be the effect on the market value of the property? Increase
5. What is the general trend in future building and population growth? Not commercial.
6. How would the welfare of the township residents be affected if the rezoning is approved or if it is denied? Benefit the residents if rezoned.
7. What does the Master Plan indicate the land should be zoned? Residential.

Coon said that he would have situated his home differently if he'd known this property would be developed, and he thought the value of homes nearby would be negatively affected. At this, Smith interjected that he intended only to split the property in order to sell the existing house and keep the remainder, but not develop it for perhaps 10 years.

A roll call vote produced a unanimous approval of the recommendation for rezoning.

After a brief recess, the meeting reconvened at 8:50 for a public hearing on the "Central Lakeshore Sub-area Master Plan." Hanson read letters from Ronda Foreman of the Allegan County Planning Commission and from Jim Birkes, Chairman of the Ganges Planning Commission. There were no adverse comments.

There being no public comment, Darpel made a motion, supported by Rausch, to close the public hearing. The motion carried. Hanson said he will consult with the Township Board about it, and Sisson will write a resolution to adopt it.

Hanson reported on the meeting he, Edris and Atty Bultje had on the Water Access Amendments, saying he expected Bultje to return a workable document in plenty of time for the November 24 hearing.

Hanson also reported on the Michigan Association of Planning meeting he attended with Clerk Wright and Planner Sisson to listen to Hastings city and adjoining township officials talk about their joint planning efforts. He said he thought the local Joint Planning Committee was more advanced in that direction.

Meeting adjourned at 9:15 P.M. The next meeting is a joint meeting with the Township Board November 5 at 6:00 P.M. The next regular meeting is November 24 at 7:00 P.M.

Betty A. White, Recording Secretary

Sandra Rausch, Secretary

MOTIONS

1. Motion by Milauckas/Rausch to approve September 22 minutes.
2. Motion by Rausch/Darpel to close public portion of hearing on request for rezoning by Reginald and Pat Smith on a property at 6571 Bradley Road.
3. Motion by Milauckas/Hanson to recommend rezoning to Township Board.
4. Motion by Darpel/Rausch to close public hearing on “Central Lakeshore Sub-area Master Plan.”