

SAUGATUCK TOWNSHIP PLANNING COMMISSION

March 11, 2013

The Saugatuck Township Planning Commission held a regular meeting March 11, 2013 at the [Saugatuck Township](#) Hall 3461 Blue Star Hwy., Saugatuck, MI 49453.

Present: Chair Maggie Conklin, Dayle Harrison, Bill Rowe, Brad Rudich, Joe Milaukas, Ed Welk

Absent: Sandra Rausch

Also present: Township Planner Mark Sisson; Attorney Glenn Sperry representing owners association of Meadow Argus and Pearson Aquistions, Inc.; Builder Patrick Murphy and Roan & Black, Inc. applicants

Chair Conklin called the meeting to order at 7:06 P.M.

Rudich requested discussion of less vs. more detail to be included in future Planning Commission minutes. Milaukas requested discussion of Planning Commission Rules and Procedures. A consensus was reached to move both items under the Item 8. Discussion on the agenda. Milaukas also suggested moving the Approval of Minutes Discussion on the agenda under Item 8.

Rowe motioned to adopt agenda with amendments. Motion 2nd by Milaukas and carried unanimously.

Motion 1
Motion 1

Chair Conklin opened public comment, none was received.

Continuation of Deliberation of Meadow Argus Site Plan review of Resolution draft 2-28-2013 to amend Resolution dated January 23, 2006 Granting Final Approval of Phase I and Preliminary Approval of Phase II of Meadow Argus Site Condominium.

Sisson introduced the revised draft 2-28-2013 Resolution (Resolution) for Meadow Argus development that proposes the township enter into a Development Agreement with the association that proposes: 1. Reduce building sites from 62 to 38; 2. Eliminate sidewalks; 3. Completion of streets & cul-de-sacs; 4. Creation of 433 Drainage District and complete drain improvements; 5. Provide “as built” engineering drawings and pressure testing of existing water and sewer utilities in accordance with Kalamazoo Lake & Sewer Authority rules and regulations.

Sisson further stated that the revised Resolution has been reviewed by Township Attorney Bultje who does not object to approval. The Resolution proposes completion of unfinished “priority” items but is contingent upon approval of the planning commission. It focuses on such items of completion within a 5 years timeframe or upon the sale of 75% of lots. Development plan expenses would be accounted for in a \$80,000 performance bond raised by assessments levied on the association property owners as

agreed to by a majority of the association as allowed by the Condominium Act as stated by the Association Attorney Glenn Sperry.

Sperry also stated that it is the understanding of the Association that the improvement guarantees are “backed with a line of credit of property owner Pearson Acquisitions, Inc.” who is also represented by Attorney Sperry.

Harrison raised extreme concern that arsenic contamination at the Meadow Argus site is not resolved as the final results of arsenic remediation efforts per Item M. Authorization to Construct of original approval Resolution have not been shared with the Township.

Harrison also stated he was not in favor of any new Resolution or Developmental Agreement that removes Item M. or such conditions from Item M.

A consensus was reached among all Commissioners that arsenic contamination is a serious concern at this site due to a lack of evidence of remediation. Conditions for arsenic remediation were agreed not be removed from any new Resolution or development plan between the Association and the Township.

Milauckas noted a lack of proper procedure for utility connections of water and sewer for existing homes in the development due to a lack of engineering plans and pressure testing documentation with the Kalamazoo Lake Sewer and Water Authority.

Discussion ensued whether or not township permits could be issued to property owners prior to completion of all Meadow Argus plan conditions.

Sperry offered a 2 year time frame of completion for all development plan “priority items” and that such items could possibly include contaminated soil remediation if necessary and agreeable with his client and the Association.

Sperry also stated his opinion that the current Meadow Argus developer is a “successor developer” of the original Meadow Argus site condominium project and that as such, the new developer has greater protections under law.

Motion was made by Rowe and second by Rudich to approve a revised draft of Resolution 2-28-2013 with conditions satisfying the stated “authorization of additional building permits are subject to the last two bullet points of “Item M” with the understanding that evidence is submitted to the Township zoning administrator/building inspector that necessary remediation has been completed on each lot of the Meadow Argus development, and also that the all construction items of the Resolution are complete within a two year time frame.” Motion carried unanimously.

Motion 2
Motion 1

Chair Conklin called for a brief recess.

Public Hearing was opened for discussion of Roan & Black, Inc. site plan review for the establishment of an art gallery with retail sales and a 2nd apartment in the existing

building located in the C-2 Zone at 3315 Blue Star Highway, Saugatuck, Mi 49453 (Parcel 0320-010-028-00).

Sisson introduced the applicant who explained they intend to install an art gallery at the formerly vacant building at the noticed address. Applicant would like to have the Commission consider their use as “other than” the current designation, that in the opinion of the applicant, is dissimilar to a supermarket or department store that requires 14 parking spaces. They hope to have the current parking space requirement waived and reduced to 6 parking spaces. The Applicants stated their use requirements are low impact similar to their northerly neighbor’s business.

The applicant was also not in favor of installing a paved asphalt parking area and instead proposed a combination of crushed asphalt/concrete for the parking area except for the handicap access parking spot which will be paved.

Rowe and Harrison did not object to the use of crushed asphalt/concrete for the parking area and driveway. They said it was consistent with planning goals of the neighborhood and this area of Blue Star Hwy.

Milauckas noted that intended driveway and landscaping of the project should be indicated on a new site plan for review at the March 25th meeting prior to any approval.

Applicant noted the driveway is entirely within the applicant property.

Sisson suggested Allegan County Road Commission be contacted regarding the minimum standard of the proposed expanded use of the existing driveway. He further stated that waivers for parking, driveways and landscaping be specifically noted on plan revisions. He also suggested trading the types of space that is required by ordinance instead of waiving restrictions unilaterally.

Sisson recommended that parking spaces not overlap into the right of way of Blue Star Highway. He reiterated that that waiver of code requirements for driveways and/or paved parking lots of low impact low volume areas be justified in writing. He also asked the Planning Commission require of the applicant a maintenance agreement, with their neighbor, for the shared driveway.

Applicant stated a preference to move signage closer to Blue Star Hwy. and offered to submit a revised plan for signage, parking and landscaping.

Brad Rudich made a motion to table Roan & Black, Inc. application until the next meeting in order to review a revised site plan. Second by Rowe. Motion carried unanimously.

Motion 3

Public Hearing of Roan & Black, Inc, was closed.

Conklin read JimHanson correspondence into the record and opened discussion of correspondence regarding R-4 zone district requirements for site plan review/ PUD approval. Milauckas noted this condition does not apply to parcels under 12 acres. Conklin said she would check to see if Jim is aware of this condition of the zone requirement.

Conklin then closed discussion of correspondence.

Rowe motioned to approve minutes from Planning Commission meeting held January 28, 2013 meeting with a 2nd from Dayle Harrison. Motion discussion ensued.

Rudich made comment that Planning Commission minutes in general have become extraneously detailed to the point that recording keeping is slightly inconsistent with recommendations of Michigan Township Association.

Sisson stated that Planning Commission minutes are usually more detailed than other minutes because they are more often used for “findings of fact” in lawsuits.

Milauckas stated that detailed Planning Commission minutes that provide context to discussion items have been helpful in his experience as a planner.

Consensus of the board was reached that future Planning Commission minutes should reflect accurate and appropriate levels of detail for findings of fact and discussion context, but not overly describe meeting discourse such too risk misrepresentation of board activity.

Motion to approve the January minutes was called to a vote and carried unanimously.

Motion 4
Motion 1

Joe Milauckas raised discussion of Chapter 5 of the Planning Commission’s Rules and Procedures. He stated ambiguous language defining conflicts of interest of commissioners need to be clarified. He stated the Planning Commission should discuss the ambiguous language at a future meeting. He also stated he would present suggested changes to the Commission.

Motion was made by Conklin to adjourn meeting. 2nd by Dayle Harrison. Motion carried unanimously.

Motion 5

Meeting adjourned at 10:30 P.M. Next meeting to be held 7:00 p.m. March 25th at the Saugatuck Township Hall.

Aaron J. Sheridan, Recording Secretary

Sandra Rausch, Secretary