

APPROVED MINUTES

SAUGATUCK TOWNSHIP PLANNING COMMISSION

November 19, 2014

The Saugatuck Township Planning Commission met on November 19, 2014 at the township hall on Blue Star Highway, Saugatuck, Michigan, 49453.

Present: Rowe, Miller Cook, Prietz, Rudich, Conklin, Milauckas
Absent Excused: Welk
Also Present: Zoning Administrator Steve Kushion

At 7:00 pm Chairperson Conklin called the meeting to order.

Pledge of Allegiance

Review and Adopt Agenda: Milaucas stated that he would like to clarify the wording of Item #8. R4 is not reverting to R3B, actually R4 is reverting back to the prior zoning, not just exclusively back to R3B. Also, the wording of 'mirror the state ordinances' might not be what we are intending to do. Item #8 wording changed to 'Discussion of reverting R4 to prior zoning, reviewing the Critical Dune Overlay in light of the state law'. Strike Item #7 Budget Reports and Information. Rudich motioned to approve the agenda as amended, Rowe seconded. Amended agenda approved unanimously.

Review of October 27, 2014 meeting minutes: Under Agenda, change 'stated the some sections' to 'stated that some sections'. Rudich moved to approve the minutes with the correction noted, Rowe seconded. Amended minutes approved unanimously.

Public Comments & Correspondence: Correspondence received from Attorney Bruinsma.

Review Budget Reports and Information:. Stricken from agenda.

Discussion of Reverting R4 to Prior Zoning, Reviewing the Critical Dune Overlay in Light of State Law: Milauckas stated that since R4 is not an enforceable zoning district, would it make sense to approach Singapore Dunes and ask them how they would feel about rezoning the property back to the prior zoning districts. Then R4 could be taken off of the zoning maps and also out of the comprehensive plan. Singapore Dunes property would then be guided and regulated by the R1, R2, R3 zoning districts and standards that are in place. Attorney Bruinsma stated that, in terms of the R4, it is a moot issue to his client and doesn't make sense to have a zoning district that is unenforceable. Attorney Bultje stated that if Singapore Dunes was opposed to reverting the zoning, than it should not be done. He also stated that if there is any value in having an R4 district in the township, he wouldn't rush to get rid of it. Otherwise there is no reason to keep it if the township is not going to use it. Rowe stated that he didn't see any reason to keep the R4 district. Rowe motioned to set up a Public Hearing at the January Planning Commission meeting to discuss striking the R4 zoning district from the township ordinances which would include a zoning text ordinance amendment eliminating R4 and also a zoning

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map ordinance amendment rezoning any remaining R4 property into other zoning districts. Rudich seconded. Motion passed unanimously. Milaukas stated that Attorney Bultje was asked to prepare a memo to guide the Planning Commission regarding which part of the critical dune overlay may be more restrictive than state law. Miller Cook asked if Attorney Bultje felt that were some portions of the critical dune overlay that would be viable for the township. Attorney Bultje stated that in his memo he said that he thought there were portions of the critical dunes language which does not conflict with state law. The settlement agreement from October 2013 says the township will not enforce or apply any provision of the critical dune overlay to the Singapore Dune property in a manner that is more restrictive than Part 3-53 state law. Discussion regarding how the township does and could zone the critical dune property. Attorney Bultje stated that if the township wanted to regulate the critical dunes itself, it would submit an ordinance to the state and have it approved. However, the state would then give authority to regulate the critical dunes over to the township and would no longer issue critical dunes permits. Attorney Bultje stated that he thought the township should pull out of their ordinances, any part of the critical dunes which infringes on the state law. Milaukas asked Attorney Bruinsma if he would have any objections to the township going through that process. Attorney Bruinsma stated that since the township is only conforming the text of the ordinances to match what was already agreed to as part of the consent judgement, he doesn't see any issue with it. Rowe motioned recommending that a proposed zoning ordinance text amendment be prepared to eliminate unenforceable provisions of the critical dune overlay from the township zoning ordinances. Rudich seconded. Motion passed unanimously.

Public Hearing for SAU in a C2 Zoning District Dr Curtis Day has requested an SAU to turn part of his building space into an occupied apartment for one of his employees. ZA Kushion stated that the space was finished into a personal office by the previous owner but on the original planning commission plans, the space in question is listed as storage. The space can not be used for commercial purposes because it does not have handicapped access. The township does allow as an SAU, accessory apartments in association with a business and he feels the request meets all four standards of approval. The apartment does have to be occupied by an employee of the owner of the building and can't be offered to rent to anyone else. There were no objections after the public notice was sent out. Rowe motioned to approve the SAU and that the Planning Commission has reviewed the four standards for SAU approval, Miller Cook seconded. Motion passed unanimously.

Discussion: Discussion regarding the possibility of taking up the issue of the difficulty of commercial businesses to receive permits for residential apartments in their buildings.

Review of Sample Temporary Sign Ordinance Language : Discussion regarding possible temporary sign ordinance language using three other localities as examples. ZA Kushion asked if the township should allow temporary signs by right or should there be temporary sign permit process. Sandwich board signs were discussed but were probably not going to be used by businesses because of the speed of traffic on Blue Star Highway. Conklin stated that she considered any sign that was not attached to the ground to be a temporary sign. Rowe asked if ZA Kushion should draft a temporary sign ordinance using the Ada Township temporary sign ordinance as a guide. ZA Kushion stated that he would come to the January meeting with a drafted temporary sign ordinance and a public hearing

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on the ordinance could be scheduled at that time.

Township Board Updates: Rudich stated that the township board passed the non substantive amendments that the planning commission board had passed.

Next Planning Commission Meeting: There will be no Planning Commission meeting in December.

Meeting adjourned at 8:23 pm.

Janna Rudich, Recording Secretary

1. Motion to approve the amended November 19, 2014 agenda. Rudich motioned, Rowe seconded. Motion carried 7-0.
2. Motion to approve the amended minutes of the October 27, 2014 Planning Commission meeting. Rudich motioned, Rowe seconded. Motion carried 7-0.
3. Motion to schedule a Public Hearing regarding striking the R4 zoning district from the township ordinances which would include a zoning text ordinance amendment eliminating R4 and also a zoning map ordinance amendment rezoning any remaining R4 property into other zoning districts. Rowe motioned, Rudich seconded. Motion carried 7-0.
4. Motion recommending that a proposed zoning ordinance text amendment be prepared to eliminate unenforceable provisions of the critical dune overlay from the township zoning ordinances. Rowe motioned, Rudich seconded. Motion carried 7-0.
5. Motion to approve the SAU in a C2 zoning district and that the Planning Commission has reviewed the four standards for SAU approval , Rowe motioned, Miller Cook seconded. Motion carried 7-0.