

AMENDED APPROVED MINUTES

The Saugatuck Township Planning Commission met on February 23, 2015 at the township hall on Blue Star Highway, Saugatuck, Michigan, 49453.

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

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

Pledge of Allegiance

Review and Adopt Agenda: Rudich asked to strike item #12 – Budget Reports. Milauckas motioned to approve the agenda, Prietz seconded. Amended agenda approved unanimously.

Review of January 29, 2015 meeting minutes: Under the Public Hearing section, first sentence, change ‘didn’t know’ to ‘was unaware.’ Under the same section, second sentence, change ‘moving’ to ‘reverting’. In the same section, the fifth sentence, change to ‘Attorney Bultje stated that the four parcels plus the two parcels that were not properly noticed could be specifically listed as reverted back to what they originally were before they were R4’. Rudich motioned to accept the minutes as amended, Welk seconded. Amended minutes approved unanimously.

Public Comments & Correspondence: No public comments.

Public Hearing on Proposed Zoning Amendments: Conklin opened the Public Hearing. Attorney Bultje stated that there are three sections to the proposed amendment to the zoning ordinance. Section 1 is an elimination of the R4 district language, specifically Division 6C of Article 3 which was the primary R4 district text and references to R4 throughout the zoning chapter are likewise eliminated by Section 1, if adopted. Section 2 is a restatement of Section 40-337 Management and Regulation of Uses of Developments in the Critical Sand Dune Area and it is restated with the elimination of certain provisions that were unenforceable because of state regulations in that area. Section 3 is the actual zoning map amendment eliminating the six parcels which are still in the R4 area and reverting them to their prior zoning districts of R1, R2 and R3B.

Attorney Bultje brought up concerns raised by Milauckas and Attorney Bruinsma pertaining to interpretations of the Critical Sand Dune language which came up when the Singapore Dunes site plan was considered by the Planning Commission. One concern pertains to ambiguous wording in Section 40-337 A in Section 2 in Paragraph A of the zoning ordinance amendment. There is a reference to ‘other portions of the township as shall be defined,’ There was a question raised to the Planning Commission at that time whether other zoning districts in addition to R-3B are regulated by the Critical Dune Overlay provisions of 40-337. The Planning Commission previously discussed that, because this section of the zoning ordinance is within the division of R3B, it would not apply. The zoning ordinance amendment language could be changed from ‘other portions of the township’ to ‘other portions of the R3B zone’. The second concern Mr. Bruinsma’s letter raised pertains to Section 40-337, Subsection E. There was a question raised to the Planning Commission also when the

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Singapore Dunes site plan was being considered whether the open space requirements in Section 40-332 applied to the critical sand dune area. The Planning Commission previously decided that it made no sense to apply an open space requirement when they were requiring 2 acres lots. The zoning ordinance amendment language could be changed to 'in lieu of any open space requirements in Section 40-332, the minimum areas for development are as follows.' These changes were suggested by Attorney Bruinsma.

Milauckas discussed the history of the Critical Sand Dunes zoning ordinance. The Planning Commission realized that the township zoning ordinances had unenforceable provisions in it that regulated the critical sand dunes, even though the state has control over critical sand dune legislation. These zoning ordinance amendments have been proposed so that the zoning ordinances can be cleaned up and so that any unenforceable parts of the zoning ordinance can be removed.

Public comments from Jon Helmrich, 3522 64th St and Marcia Perry, 6248 Blue Star Highway. Helmrich reminded the Planning Commission that the R4 district came about because of a desire to recognize the importance of the river mouth, the dunes and the coastal properties in the township. Perry urged the Planning Commission to carefully consider how best the land should be used in the context of the entire community, rather than looking at little zoning changes here and there.

Discussion regarding how the Singapore Dunes consent judgment governs the use of the Singapore Dunes property. Attorney Bultje stated that the consent judgment says that the Singapore Dunes property will be developed in accordance with its previous zoning of R3B. Milauckas asked that, if in the future, the Planning Commission wants to refine the R1, R2 and R3B zoning districts, would any of those possible zoning ordinance amendments apply to the Singapore Dunes property. At first, Attorney Bultje stated that they would not apply to the Singapore Dunes property. However, after additional discussion with the planning commission, he clarified that such future amendments would apply to Singapore Dunes unless they negatively affect any of the specific development rights included in the Consent Judgment or Settlement Agreement.

Rudich motioned to close the Public Hearing, Welk seconded. Approved unanimously.

Milauckas motioned that we recommend to the Township board the approval of Section 1 and Section 3 of the zoning text and map amendment ordinance with a draft date of 1-30-15 as noted in Item 7 of the agenda with regard to the six parcels. This would change the zoning from R4 to the respective zoning districts as described in the Public Notice and thereby removing in its entirety, all R4 references in our zoning ordinances. He also motioned to revise the zoning map of the township to be consistent with those changes. Rudich seconded. Approved unanimously.

Discussion regarding the Critical Sand Dune Area zoning amendment. Milauckas stated that Attorney Bultje had prepared a draft regarding Section 40-337. Attorney Bruinsma also prepared a draft incorporating the two changes that he makes reference to in his cover memo to Attorney Bultje. Attorney Bultje stated that, in his opinion, neither of the changes alter what he understands the provisions to be in Section 40-337. Discussion regarding the areas of the critical sand dunes that are not in the R3B district.

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Rudich motioned to restate Section 40-337 as provided by Attorney Bultje on a revision date of 1-30-15 and including two amendments from Attorney Bruinsma, as discussed earlier in the Public Hearing, on a revision date of 2-23-15. Welk seconded. Approved unanimously.

The Planning Commission asked to have communication from Singapore Dunes acknowledging now that they understand the Planning Commission's intent and have read the full zoning ordinance amendments, to state that they do not object to these zoning ordinance amendments, especially regarding the Critical Sand Dune Area zoning ordinance amendments.

Five minute recess – back in session at 8:49 pm.

Temporary Sign Ordinance Language Update: ZA Kushion stated that he had a phone conference with two of the Blue Star Highway business owners. The business owners would like to see some type of temporary signage and they are leaning towards the certain number of days a year, certain dollar amount per temporary sign permit option. They would rather have this option than the sandwich board option. They would like the size of the temporary sign to be smaller than the permanent sign size but bigger than a sandwich board sign. They also inquired on the rules for 'Open' signs and would different signage be allowed for the first thirty days that the business is open. ZA Kushion is going to try to get opinions from more of the Blue Star Highway business owners. He will try to have something to bring to the Planning Commission at the March meeting.

Discussion of Residential Dwelling Units: ZA Kushion stated that multiple business owners have told him that they feel having residential dwelling units is a very creative way to utilize the mixed use district. He thinks it would be very attractive to business thinking about locating to Blue Star Highway to have a business on the bottom and a residence on the top. He also stated that lately he has had a lot of inquires from people looking to relocate from Saugatuck to the township on Blue Star Highway. The permit process could be either an SAU or a site plan review.

Review of Tri-community Master Plan: Conklin asked the board to put time into looking over the Tri-community Master Plan so that it can be discussed at the next meeting. Miller Cook asked the board to look over her memo before the next meeting to see if some kind of language could be added to the plan in regards to protection of groundwater resources from excessive withdrawal.

Township Board Updates: No updates from the Township Board.

Review Budget Reports and Information: Stricken from the agenda.

Miller Cook motioned to adjourn the meeting, Rudich seconded. Unanimously approved.

Next Planning Commission Meeting: The next Planning Commission meeting will be on March 23, 2015.

Meeting adjourned at 9:16 pm.

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Janna Rudich, Recording Secretary

1. Motion to approve the amended February 23, 2015 agenda. Milauckas motioned, Prietz seconded. Motion approved unanimously.
2. Motion to approve the amended minutes of the January 26, 2015 Planning Commission meeting. Rudich motioned, Welk seconded. Motion approved unanimously.
3. Motion to close the Public hearing. Rudich motioned, Welk seconded. Motion approved unanimously.
4. Motion that the Planning Commission recommend to the Township board the approval of Section 1 and Section 3 of the zoning text and map amendment ordinance with a draft date of 1-30-15 as noted in Item 7 of the agenda with regard to the six parcels that would change the zoning from R4 to the respective zoning districts as described in the Public Notice and thereby removing in its entirety, all R4 references in our zoning ordinances. He also motioned to revise the zoning map of the township to be consistent with those changes. Milauckas motioned, Rudich seconded. Motion approved unanimously.
5. Motion to restate Section 40-337 as provided by Attorney Bultje with a revision date of 1-30-15 and including two amendments from Attorney Bruinsma, as discussed earlier in the Public Hearing, with a revision date of 2-23-15. Rudich motioned, Welk seconded. Approved unanimously.
6. Motion to adjourn the meeting. Miller Cook motioned, Rudich seconded. Approved unanimously.