



# SAUGATUCK TOWNSHIP

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## Planning Commission Minutes 09/28/20

The Saugatuck Township Planning Commission met September 28, 2020 via video Zoom conferencing. Wells checked in members and guests via ZOOM.

**1) Call to Order** at 7:00 p.m. by Chairperson Israels.

### **2) Roll Call**

Present: D. Ihle, B. Rowe, R. Israels, J. Helmrich, D. DeFranco, D. Shipley

Present at 7:37pm: E. Welk

Also present: L. Wells, Planning and Zoning Administrator

### **3) Approval of Agenda**

Israels added to the agenda a review of process charts under New Business

A **Motion** was made by Rowe to conduct the meeting via video conference, ratify the procedures for public participation and meeting conduct as described in the Notice of Public Meeting, and to approve the agenda as written. Seconded by Ihle. The Motion passed by D. Ihle, B. Rowe, R. Israels, J. Helmrich, D. DeFranco, D. Shipley.

### **4) Approval of PC Minutes: August 24, 2020**

#### **Corrections:**

- Page 1: individuate thanks to Chairperson Prietz and Commissioner Lozano under “**Approval of Agenda**”.

A **Motion** was made by Rowe to approve the minutes of 08/24/20 as amended. Seconded by Helmrich. The Motion passed by D. Ihle, B. Rowe, R. Israels, J. Helmrich, D. DeFranco, D. Shipley.

### **5) Public Comment:**

Chairperson Israels welcomed all attending the Planning Commission meeting via zoom, emphasizing that commissioners will strive to make the meeting comfortable and inclusive.

Israels recused herself from line item 6.C under New Business due to a connection to the property. Vice Chair Ihle resided as chairperson for that item.

- 1) Scott Wieregna: Commented on an email he sent to the Planning Commission on 9/28/2020 concerning the Van Horn pond. Mr. Wieregna reviewed the pond permit application submitted by Mr. Van Horn, which states that if the pond is over 5 acres in



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size, DEQ must review the site. The map submitted by Mr. Van Horn shows the pond as less than 5 acres in size. However, Mr. Wiergena states that he has good reason to believe the pond is larger than 5 acres in size. Now that the pond is complete, he believes the Township has a duty to measure the pond and confirm its actual size.

## 6) New Business

**A. Special Approval Use and Site Plan Review** application to amend the approved special approval use medical and recreational (adult-use) marijuana facility on parcel #20-021-026-20 (aka. Blue Star Provisioning, SW corner of Just Barns Dr. and Blue Star Highway). Parcel is within the C-3 zoning district.

Zoning Administrator Wells reviewed application submitted by applicant with respect to whether the applicant met the standards for Special Approval Use for a Marijuana Business.

Administrator Wells noted that the zoning ordinance for SAU for Marijuana Businesses involves two sections for consideration; (1) application must conform to the general standards of SAU, and (2) application must meet the standards for SAU relative to Marijuana Businesses.

Adm. Wells noted that the Township has had great communication with the applicant and their engineer, and extends her gratitude to the applicant for keeping those communication channels open.

Matthew Bush: Civil Consultant of applicant, explained that applicant and team is working diligently to meet all requirements. Applicant updated conceptual entry sign and restricted hours of delivery. Assured the PC of the applicant's commitment to address architectural concerns, landscaping, and odor control.

Commissioner Welk joined meeting at 7:37pm.

### **Chairperson Israels opened the public hearing.**

- 1) Jeanette Locher: Ms. Locher inquired about the distance between the presently proposed Marijuana facility and the operational marijuana facility in the City of the Village of Douglas.

### **Public Hearing Closed**

A **Motion** was made by Welk to approve the Special Approval Use and Site Plan for a provisioning center at the south east corner of Just Barns and Blue Star Highway, parcel 20-021-026-20 with the understanding that the applicant meet the 13 recommendations in the memo



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from the Township Planner to the Planning Commission dated September 22, 2020. No second to the motion. The Motion is not considered at this time.

As a point of order, Chairperson Israels resumes discussion of the agenda for 6.A.

Commissioners discussed application with Mr. Bush, Ms. Van Meter (applicant), and Adm. Wells. Helmrich asked Adm. Wells about the enforcement of landscaping requirements, specifically as they pertain to the preservation of existing landscape, and possible recourse available to the Township if those requirements are violated. Wells suggested (1) adding a condition that the applicant add dimensions to the “do not disturb” areas of the site map, and (2) tapping off landscape to be preserved. Ms. Van Meter, applicant, clarified that no large trees were identified on the property in question. Mr. Bush added that the disturbed areas would be clearly delineated from the undisturbed areas with silt fencing. Ihle asked for landscaping plan for dry detention basins. Israels asked Mr. Bush to address the use of boral siding and to clarify the intended material to be used in constructing the knee wall. Applicant’s team clarified that the proposed siding is a cement board with the look of wood and will be black. DeFranco and Shipley inquired about applicants recycling plan. Israels commended applicant and team for their detailed security and sanitation plans. Ihle followed up on Ms. Locher’s question, and asked Wells about the distance between the proposed provisioning center and the operational provisioning center in Douglas. Wells was uncertain of the exact distance, but explained that the Township does not have separation requirements for marijuana provisioning centers.

A **Motion** was made by Welk to approve the Special Approval Use and Site Plan for a provisioning center at the south east corner of Just Barns and Blue Star Highway, parcel 20-021-026-20 with the understanding that we incorporate changes discussed and agreed upon this evening by the commission to include a condition concerning a “do not disturb” area (listed below as condition 14 under recommendations), items 2-7 from the Engineer report on file, and the 13 recommendations in the memo from the Township Planner to the Planning Commission dated September 22, 2020. Seconded by Ihle. The Motion passed by unanimous roll call vote.

RECOMMENDATIONS for application for special approval use medical and recreational (adult-use) marijuana facility on parcel #20-021-026-20 from September 22<sup>nd</sup> memo from Planning and Zoning Adm. to the Planning Commission.

1. Windows and doors shall remain closed except for ingress and egress.
2. Negative interior air pressure shall be maintained at all times.
3. The applicant shall prepare written statement related to hours of delivery.
4. All lighting fixtures shall be downward facing and dark sky compliant. The lighting plan shall conform with section 40-649 of the zoning ordinance, and fixture cut sheets and details shall be provided. The security plan states that lights are 15’ in height, different from the photometric plan. These two documents should correspond with one another.



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5. The odor management system shall be sized according to the volume of the room it is serving. Verification of sizing shall be provided to the Township for review.
6. The applicant shall provide a statement related to maintenance of the odor control system, including responsibilities and frequency that filters be replaced.
7. The applicant shall adhere to all requirements and standards of applicable local, state and federal laws, including Ordinance 40-746
8. The building shall be designed to meet the architectural standards of Section 40-622 of the Zoning Ordinance, including materials, roof line, transparency, etc. Rooftop mechanicals shall be screened from view.
9. There shall be no drive through operations unless a special approval use is amended.
10. All conditions as set forth by the Fire District.
11. All conditions of the Township Engineer.
12. All conditions of the utility district, Allegan County Road Commission, and other applicable reviewing agencies.
13. All conditions shall be met by all reviewing parties, and all fees paid prior to issuance of building permit. It shall be the responsibility of the applicant to seek reviews and approvals from reviewing parties and furnish confirmation to the building department prior to issuance of building permit.
14. The applicant shall add dimensions to the “do not disturb” areas of the site map.

**B. Special Approval Use application** from JARS Holdings, LLC to operate a Marijuana Retailer on parcel #20-029-002-11, (aka. 2790 Blue Star Highway). Parcel is within the C-3 zoning district.

Adm. Wells reviewed the application on file. Wells clarified that the application is to amend a Special Approval Use for medical marijuana to allow adult use marijuana.

Lisa Doty, applicant, explained that she has worked extensively with the project engineer on the site plan. Specified that the submitted site plan shows that the old growth trees in the front and back of the property will remain. Will also add more landscaping to the sides of the property as per Township requirements. Jason Abril, project representative, adds that the current landscaping plan calls for planting an additional 40 shrubs and 40 trees. He confirmed that the current well on the property will remain in use and that he will be looking at the detention basin with project engineer to determine scope of work.

**Chairperson Israels opened the public hearing.**

- 1) Dave Heilman, 2755 Blue Star Highway: Lives across the street from the proposed project. Mr. Heilman noted that the previous refuse plan submitted by the applicant does not show the 20 parking spaces that now appear on the site map. He wished to know



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whether the parking plan has changed further since the site plan's recent submission. Mr. Heilman noted his general concern with increased traffic in the area. Both himself and his neighbors regularly experience cars attempting to pass on the left while they are attempting to make left hand turns into their driveways. He is concerned of potential traffic accidents that may result from drivers unfamiliar with the area. Mr. Heilman asked whether any action has been taken by the applicant or Township to alleviate traffic concerns. He also noted that the previous applicant cited having the project entrance and exit exclusively on a private drive was beneficial to traffic flow. Mr. Heilman inquired about any correlations between the previous project and the current proposal.

## Public Comment Closed

Ms. Doty stated that the site plan showed 12 parking spaces, and that a traffic study had been completed the previous year with the traffic advisor finding that there would not be a significant increase in traffic due to the proposed project. Helmrich asked if the current log exterior would be maintained, which Ms. Doty confirmed to be the case. Israels asked for clarification on the proposed paving material. Ms. Doty stated that it would be a standard duty asphalt. Israels questioned whether the PC addressed all the concerns submitted by Mr. Joe Kostyla in correspondence on file. DeFranco asked whether applicant is clear which old growth trees are not to be disturbed. Mr. Abril confirmed that the applicant will not remove any trees from the property, and stated that he is prepared to submit signage proposals to Adm. Wells. Wells addressed Mr. Kostyla's request that applicant construct a cyclone fence and remote sliding gate on Mr. Kostyla's property. Applicant did not mind improving existing gate, but was unwilling to install a remote sliding gate. Shipley asked for clarification on the demolition of the garage on the property and intent for the existing well. Mr. Abril confirmed the garage will be demolished and replaced with landscaping. He also confirmed that the existing well will continue to be used and thus will not be capped.

A **Motion** was made by Welk to approve application from JARS Holdings, LLC to operate a Marijuana Retailer on parcel #20-029-002-11, (aka. 2790 Blue Star Highway) with the understanding that we incorporate the 12 recommendations in the memo from the Township Planner to the Planning Commission dated September 22, 2020. Seconded by Rowe. The Motion passed by D. Ihle, B. Rowe, J. Helmrich, D. DeFranco, D. Shipley, E. Welk. Chairperson Israels lost connection from the zoom call.

RECOMMENDATIONS for application from JARS Holdings, LLC to operate a Marijuana Retailer on parcel #20-029-002-11, (aka. 2790 Blue Star Highway).

1. Windows and doors shall remain closed except for ingress and egress.
2. Negative interior air pressure shall be maintained at all times.
3. All lighting fixtures shall be downward facing and dark sky compliant.



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4. The odor management system shall be sized according to the volume of the room it is serving. Verification of sizing shall be provided to the Township for review.
5. The applicant shall adhere to all requirements and standards of applicable local, state and federal laws, including Ordinance 40-746 at all times.
6. The applicant shall include the access easement on all sheets of the plan set for final sign off.
7. The applicant shall include a label of the new fence to be added, as well as a fence detail.
8. The applicant shall label the drainage basin.
9. The applicant shall label and describe pavement material for the exit/shared drive area. Pavement shall be designed and constructed to withstand heavy equipment.
10. The applicant shall provide information related to the well on site, and should the well be abandoned, they shall provide verification that it has been capped.
11. All fees shall be paid and the applicant be current with all license fees prior to issuance of building permit or certificate of occupancy.
12. Prior to building permit, all conditions of the applicable reviewing agencies shall be met including the Township Engineer, Township Planner, Allegan County Road Commission, Fire District and others.

**C. Special Approval Use** application from Mark Bubloski, AIX Designs, LLA for Miniature Golf facility at the northwest corner of Blue Star Highway and Clearbrook on parcel 20-003-068-30. Parcel is within the C-3 zoning district.

Chairperson Israels recused herself, Vice Chair Ihle stepped in as acting PC Chairperson.

Adm. Wells reviewed application for Special Approval Use. Noted that the Township received four correspondences in support of the proposed project.

John Tempas, engineer for the project, represented the applicant. Applicant's intent is to create an aesthetically pleasing course with a very natural landscape. Hours of operation are to be determined, but initial suggestion was about 9am-10pm. The applicant intends for the business to be seasonal. Applicant was hoping to create visual barriers with neighboring properties through landscape, but was open to installing fencing if the Township finds it necessary. The applicant planned to play low volume, background music through hidden ground speakers, and to host small private parties, but not large-scale events.

### **Vice Chairperson Ihle opened the public hearing.**

- 1) Jeanette Locher: Ms. Locher was representing the residents at Singapore Cove Apartments, the apartment complex that directly borders the property in question, and submitted a petition opposing the miniature golf course signed by 13 households. Neighbors are concerned with potential noise and light disturbances, as their bedrooms



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face the property in question. Neighbors are also concerned with potential theft and vandalism. Ms. Locher also explained that the apartment complex has a small parking lot, and there is concern that overflow parking from the miniature golf course will take over spots dedicated to apartment residents. Ms. Locher also cited concerns with increased traffic on an already congested stretch of Blue Star Highway.

## Public Comment Closed.

Rowe noted the project would be a nice addition to the community, but takes seriously neighbors' concerns. Welk expressed approval of project. DeFranco asked Adm. Wells to list other types of business allowed for by current zoning. Commissioners discussed additional conditions for the approval of SAU. Commissioners agreed to the following additional conditions for approval: (1) the applicant shall install only low, landscape lighting on the actual golf course, i.e. no pole lighting, and (2) the applicant shall install fencing along adjacent residential properties.

A **Motion** was made by Welk to approve application for a SAU from Mark Bubloski, AIX Designs, LLA for Miniature Golf facility at the northwest corner of Blue Star Highway and Clearbrook on parcel 20-003-068-30 with the understanding that the three recommendations in the memo from the Township Planner to the Planning Commission dated September 22, 2020 be incorporated and the two additional conditions decided on by Planning Commissioners be incorporated, which are listed as conditions four and five in the below recommendations. Seconded by Helmrich. The Motion passed by D. Ihle, B. Rowe, J. Helmrich, D. DeFranco, D. Shipley, E. Welk. Chairperson Israels recused herself.

RECOMMENDATIONS for the application from Mark Bubloski, AIX Designs, LLA for Miniature Golf facility at the northwest corner of Blue Star Highway and Clearbrook on parcel 20-003-068-30.

1. A driveway permit shall be secured from the Allegan County Road Commission, and it shall be 100' from the intersection of Blue Star Highway.
2. A site plan shall be submitted, reviewed and approved in conformance with the Saugatuck Township Zoning Ordinance.
3. The applicant shall submit all paperwork for building permits, and shall comply with applicable local, state and federal standards.
4. The applicant shall install only low, landscape lighting on the actual golf course, i.e. no pole lighting.
5. The applicant shall install fencing along adjacent residential properties.



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## **D. Attainable Housing**, discuss Zoning Audit for Housing

Adm. Wells discussed memo on file with recommendations to decrease minimum floor area for residential dwellings and allow accessory dwelling units in the Township. Wells suggested only allowing accessory dwelling units in R1. Rowe expressed favor for both measures, but would like to spend more time considering restrictions on accessory dwelling units. DeFranco asked if commissioners would consider allowing accessory dwelling units in A1 and A2 in addition to R1. Commissioners discussed appropriate restrictions for ADUs so that they properly serve attainable housing needs. Israels asked whether the Fire District should be involved in reviewing ADUs.

## **E. Process Charts**

Israels highlighted Adm. Wells work in creating process charts that provide a simplified explanation of various processes undertaken by the Planning Commission. Israels thanked Wells for her excellent work on this front. Helmrich encouraged other commissioners to review the process charts and share them with residents.

## **7). Old Business**

### **A. Master Plan Review**, Discuss and Create Sub Committees for Master Plan Study Topics

Commissioner Shipley referenced her memo on file, and expressed interest in the commission taking up the issue of non-motorized transportation. Helmrich raised the prospect addressed in the previous PC meeting of setting up subject specific sub-committees in addressing the master plan. These sub-committees could be dedicated to addressing issues related to housing, mobility, rural character, and Tri-Community Blue Star Highway Plan. Israels proposed all commissioners email her a list of their top priorities moving forward as a way of determining the priorities of the Planning Commission.

Commissioners discussed Mr. Wiergena's September 28, 2020 correspondence concerning the size of the Van Horn pond. Adm. Wells spoke with EGLE. EGLE confirmed that they conducted inspections, determined Mr. Van Horn was well-aware of the requirements, and did not feel that there was any need to go back out to the property. Commissioners discussed ways in which to confirm the size of the pond, either through further communication with EGLE or measuring the pond independently. Ihle suggests adding a future requirement that projects provide "as-built" drawings upon completion. Wells stated that she will consult with the Township attorney regarding commissioner comments.





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## 8). Public Comments

No Public Comments

## 9). Board Discussion: Township Board Update Submitted by PC Member and Township Treasurer, Jon Helmrich

- Full Township Board conducted meeting on zoom Wednesday September 9<sup>th</sup>, 2020
- Public comment included (1) request for an off-road vehicle ordinance resolution; (2) concerned resident with a driveway issue relative to fire code approval and inspection; (3) more comment on the planned widening of Riverside Dr.
- Helmrich reported that over a week before the summer tax deadline that the Township was at a 70% return rate for summer taxes. Township is maintaining a solid budget vs actual revenue through August.
- Township received over \$600 to the Parks and Recreation Commission in honor of the late Art Lane.
- Board Members Bigford and Helmrich reported on their work in making strategic changes to the Township investment policy and will be presenting action steps at the full Board meeting in October.
- This week, the Township will be planting three new trees on Township property.
- Shared tree maintenance report regarding the condition of trees in the two cemeteries.
- Approved new Fire Department fee schedule.
- Appointed Lori Babinski to the Interurban Board.
- PC Chairperson Israels joined the Board meeting, giving the PC update to the full Board and discussed setting up sub-committees to focus on issues of housing, mobility and rural character.
- Next Board meeting is Wednesday, October 14<sup>th</sup>, 2020

## 10) Adjourn

A **motion** was made to adjourn the meeting at 9:58 pm by Rowe. Seconded by Ihle. Motion passed by unanimous roll call vote. Next P.C. meeting: Monday, October 26, 2020 at 7:00 p.m.



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## Motions:

1. A **Motion** was made by Rowe to conduct the meeting via video conference, ratify the procedures for public participation and meeting conduct as described in the Notice of Public Meeting, and to approve the agenda as written. Seconded by Ihle. The Motion passed by D. Ihle, B. Rowe, R. Israels, J. Helmrich, D. DeFranco, D. Shipley.
2. A **Motion** was made by Rowe to approve the minutes of 08/24/20 as amended. Seconded by Helmrich. The Motion passed by D. Ihle, B. Rowe, R. Israels, J. Helmrich, D. DeFranco, D. Shipley.
3. A **Motion** was made by Welk to approve the Special Approval Use and Site Plan for a provisioning center at the south east corner of Just Barns and Blue Star Highway, parcel 20-021-026-20 with the understanding that the applicant meet the 13 recommendations in the memo from the Township Planner to the Planning Commission dated September 22, 2020. No second to the motion. The Motion is not considered at this time.
4. A **Motion** was made by Welk to approve the Special Approval Use and Site Plan for a provisioning center at the south east corner of Just Barns and Blue Star Highway, parcel 20-021-026-20 with the understanding that we incorporate changes discussed and agreed upon this evening by the commission to include a condition concerning a “do not disturb” area (listed below as condition 14 under recommendations), items 2-7 from the Engineer report on file, and the 13 recommendations in the memo from the Township Planner to the Planning Commission dated September 22, 2020. Seconded by Ihle. The Motion passed by unanimous roll call vote.
5. A **Motion** was made by Welk to approve application from JARS Holdings, LLC to operate a Marijuana Retailer on parcel #20-029-002-11, (aka. 2790 Blue Star Highway) with the understanding that we incorporate the 12 recommendations in the memo from the Township Planner to the Planning Commission dated September 22, 2020. Seconded by Rowe. The Motion passed by D. Ihle, B. Rowe, J. Helmrich, D. DeFranco, D. Shipley, E. Welk. Chairperson Israels lost connection from the zoom call.
6. A **Motion** was made by Welk to approve application for a SAU from Mark Bubloski, AIX Designs, LLA for Miniature Golf facility at the northwest corner of Blue Star Highway and Clearbrook on parcel 20-003-068-30 with the understanding that four recommendations in the memo from the Township Planner to the Planning Commission dated September 22, 2020 be incorporated and the two additional conditions decided on by Planning Commissioners be incorporated, which are listed as conditions four and five in the below recommendations. Seconded by Helmrich. The Motion passed by D. Ihle, B. Rowe, J. Helmrich, D. DeFranco, D. Shipley, E. Welk. Chairperson Israels recused herself.



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7. A **motion** was made to adjourn the meeting at 9:58 pm by Rowe. Seconded by Ihle. Motion passed by unanimous roll call vote.

Respectfully,

D. DeFranco, P.C. Sec.