

SAUGATUCK TOWNSHIP PLANNING COMMISSION

July 28, 2003

The Saugatuck Township Planning Commission met on July 28, 2003, at the township hall on Blue Star Highway, Saugatuck, Michigan 49453.

Present: Milauckas, Phelps, Rausch, Shanahan and Smith

Absent: Darpel and Olendorf

Also present: Z.A. Ellingsen, Dr. Eric Peet, Joseph Migas, Scott Post for Legacy Property Development, JoAnn DeJonge and Doug Gritter for Saugatuck Christian Reformed Church, Kathy Culp for Saugatuck Storage Condos, Tom Burgess for Hidden Dunes, and many members of the general public.

Chairman Milauckas called the meeting to order at 7:05 P.M. Phelps made a motion to approve the minutes of May 19, Smith seconded, and the motion carried. Rausch made a motion to approve the corrected minutes of June 16, Phelps seconded and the motion carried. The typo error in the date of the next regular meeting was corrected to read "July 28."

There being no general public comment, Milauckas opened the public hearing on the SAU application by Dr. Eric Peet, 111 Water St., Saugatuck, to have a home occupation in an accessory building at 3413 Elizabeth St. Peet displayed his plan for a chiropractic office in the 18'X26' garage which sits 20 feet from the house. He explained that there is large circular driveway which would be adequate for parking. He said he never has more than two clients in the office at a time, and he works 2 or 2-1/2 days a week here and the rest of the time in his office in St. Joe.

Ellingsen interrupted to explain that all the neighbors have not been notified of this hearing. There is an affidavit stating that the neighbors have been notified, but it was discovered that Sky Suydam, 6605 North St., had not been notified. However, he was in attendance at this hearing and agreed to its continuing.

The reading of the public notice from the newspaper was waived. Milauckas asked the Commissioners for any questions they had and Rausch wanted the issue of Peet's other office clarified. He explained that because of a recent development, it is actually in St. Joe, not Grand Rapids as stated on the application. Smith said she had looked at the property and thought the garage was very small and close to the neighbors. She wondered if Peet would enlarge it, and he said he might use the storage building behind it for the furnace, storage and bathroom. Shanahan asked how many patients a day he saw, and he replied 15.

Milauckas opened the hearing to public comment, and Sky Suydam, 6605 North St., said he and his wife would prefer to keep the area residential.

Denny Papoi, 3427 Holland St., said he was concerned that the commercial element would be expanded and set a precedent if this were approved.

Tom Kelder, 3409 Elizabeth, said parking on this narrow street was horrendous. He suggested that whenever one SAU is permitted, another comes along. He pointed out that there is another chiropractor nearby.

Tad DeGraaf, Holland St./Cemetery, the realtor, said zoning allows home occupations and this will be residential. There is another neighbor who has a wood working shop in his garage down the street.

Papoi asked if this is reversible once it is approved, and Milauckas explained that there is an annual inspection for renewal. If requirements of the Ordinance are not being complied with, there could be a termination of the home occupation. Papoi wanted to know if another public hearing is needed, and Milauckas said "No."

With the suggestion that this home occupation would bring strangers into the neighborhood, DeGraaf answered that Peet already has a clientele from the area at his office in Saugatuck. He added that parking was not a problem in the city, and there are four ways to get to the property in question.

Milauckas read three letters: (1) from William and Robin Kemperman, 6629 North St., anti; (2) from Daniel and Tad DeGraaf, pro; (3) and from Joseph Gorka and Laurel Larson, Holland St., pro, but asking for a condition that parking be only off-street.

Shanahan made a motion, supported by Phelps, to close the public portion of the hearing. The motion carried.

Shanahan said this business could be practiced in the home and the application done administratively. He said he had a hard time believing that this business would create all the issues that are being brought up. It really boiled down to whether it should be in the accessory building. Milauckas asked Ellingsen the process he would go through if it were in the home, and he said he would have to evaluate the traffic impact. If he denied the application, it could go to the ZBA. Milauckas asked him whether he would evaluate it if the Planning Commission asked him to, because he felt they should use the same criteria. Upon questioning, Peet said he was open from 8:00 A.M. to 5:00 P.M. and occasionally in the evening upon special request. He said he had one assistant. Milauckas asked about a sign, and Ellingsen said Peet would be allowed one 2'X2'. Exterior lighting would consist of only one to illuminate the garage doorway, Peet added.

Kelder asked if drugs would be dispensed, and Peet answered, "No, only nutritional supplements."

After the Commissioners looked at the four standards for SAU in Sec. 40-693 of the Zoning Ordinance, Milauckas made a motion, supported by Smith, to table until the August 25 meeting Peet's SAU application for a home occupation in an accessory building until Ellingsen could evaluate its use as though it were to be in the home, ignoring the structural issues. Motion carried.

Milauckas then opened the public hearing for a site condo development by Legacy Property Development at 6532 134th Ave. Rausch recused herself because she lives next door to the proposed site condo. Milauckas stated that notice has been sent to neighbors within 300 feet, and he waived reading of the public notice in the newspaper. Scott Post of Prein & Newhof showed the plan and explained that 27 single-family homes are proposed on 20 acres in the R-1 zone with public water and septic systems until sewer is available. The homes would be 1300-2000 s.f. in size, located on a private road that will dead-end at the southern boundary. Smith commented on the strange shape of the road, and Post explained that it bends around a marshy wetland, and there will be an 18-foot buffer from the neighboring property at the bend. Post stated that the dimensions of the property are 440'X1980', the smallest lot size is 20,570 s.f., and development will not be done in phases.

Milauckas opened the hearing to public comment, and Ed Korson, 3373 Clearview Lane, expressed concern about water run-off, both from proposed septic systems and storm drainage, from such a large development of large homes, and increased traffic in the neighborhood of Brookwood Estates where he lives. Korson commented that the drainage ditch in Brookwood Estates was supposed to take care of run-off, but it filled in, and the Allegan County Drain Commission could do nothing about it. When he mentioned that the plan was incorrect, Post stated that it was done from a township map, and a site survey had not been done.

Martha Myers, 6542 134th Ave., the property owner to the west of the project, said her pond goes into a creek that travels under the highway, and she was concerned that the natural drainage not be disturbed. She also pointed out that her well is very near the proposed development and was concerned about septic systems being used. She said she couldn't see how they could build a retention pond near her pond, and she added ponds are mosquito-breeding areas.

Kris Rastall, 6510 134th Ave., the property owner to the east of the project, said she had a problem with the added traffic. She related problems with the road to Brookwood Estates, which is right on her property line, adding that when the road is curbed and guttered it gets wider.

Colleen Perkins, 6566 134th Ave., stated concerns about traffic and the destruction of the natural environment with so much construction.

Heidi Mucci, 3331 Clearview Lane, read a letter concerned with water flow contaminating the homes in Brookwood Estates, mentioning treatment required for wetlands, and suggesting some solutions. Copies of the letter were given the Commission.

LuAnn Garlock, 3360 Clearview Lane, complained that her sump pump runs constantly in the spring. She asked if the retention pond would be surrounded by an ugly fence. Post said a fence would not be built unless required by the county or township.

Post asked if some of the concerns would be alleviated if sanitary sewer were part of the proposed development, but Milauckas pointed out that would not take the storm water away.

Marsha Kontio, 3341 Clearview Lane, said they have seen a drastic increase in the water drainage problem since they moved there in May, 2000; the lot at the end of the cul-de-sac was totally under water in the spring, the water was over the electric box, at least 3 feet up on the trees. She thought the density twice what it should be. She presented a Permanent Water Drainage Agreement dated April 28, 1993, between GMD Inc., developers of Brookwood Estates, and Kenneth York, Marty Myers, and a Mr. DeVos, indicating that the creek-bed would be kept open and free-running. Copies of this document were requested for Post and the township.

Mucci pointed out that storm-water retention basins built near wetlands create the potential of contamination of the wetlands and asked that federal and state regulations be adhered to. Post replied that he would comply with such regulations. Mucci further asked why it was not known that a creek runs through the property, and Post stated that a topographic survey has not as yet been done, and he did not see a creek on the Allegan County Drain Commission map.

Carol Segrist, 3361 Clearview Lane, said her main concern is water and traffic, but she is also concerned about the number of trees being taken down with construction, and she wondered when they would be able to see how many homes would finally be proposed. Milauckas asked if 27 homes was the maximum buildable, and Post said "Yes." There is no green space provided, but Post said the developer would like to retain as much of the woods as possible.

Rastall asked if this is a two-step process, would the second step be open to the public, and Milauckas said all the meetings are public, but the neighbors to the project would not be sent letters as they were for this hearing.

Phelps made a motion to close the public portion of the hearing. Smith seconded and the motion carried.

Discussion by Commissioners centered on the lack of information about elevations, creek and drainage, soils, and accurate surrounding property descriptions. Ellingsen wanted to know where the force main was. Milauckas asked Post to review all requirements before he returns with a revised plan. The roadway was another concern as Myers maintained it goes through the pond in the spring.

Shanahan made a motion to table to the next regular meeting the site condo plan until the planner completes the check list, makes a topographical survey and drawing of 2-foot intervals of elevation, and depicts the property within 150 feet of the site. Phelps seconded, and the motion carried. Post was asked to submit his plan to Planner Sisson.

At 9:25 P.M., the meeting resumed after a brief recess. When Milauckas introduced the application by Joseph Migas for a driving range on Wiley Road, Milauckas and Smith both requested to recuse themselves. Milauckas is related to the applicant, and Smith lives near the proposed driving range. Because this would leave the Commission without a quorum, it was determined that the application would have to be re-noticed for the next regular meeting when more Commissioners are present. Milauckas apologized for the inconvenience.

Milauckas then brought up the revised site plan of the Saugatuck Christian Reformed Church, and Smith stated that she again would recuse herself, since she is a member of the church. The revised site plan, dated 6/13/03, was displayed and JoAnn DeJonge enumerated all the changes asked for by the Commission: drawing adjusted to 40-1 scale; driveway approved by Allegan County Road Commission, the westernmost one being one-way; lighting described by legend; neighboring homes depicted; proposed new sign removed; parking lot and parking space dimensions revised; and transformer pad included. She stated that a letter from Allegan County Drain Commission about the retention pond was included in the information. Gritter described the work done on that pond and added that fill will be used to build up the low areas where water has always run off Allegan Road onto the property. He said they have a soil erosion and sedimentation control permit. Ellingsen said the only other issue was the bike path, but everyone agreed that would be a bad place for a bike path.

Shanahan made a motion, supported by Rausch, to approve the 6/23/03 revised plan for the Saugatuck Christian Reformed Church. The motion carried.

Next on the agenda was the site plan review for Saugatuck Storage Condominiums in I-1 near the sewage treatment plant. Kathy Culp, 8788 Byron Commerce Drive, Byron Center, explained that she and her husband purchased the unfinished project in 1988, twelve units having been built and purchased. She said they have revised the plan to enlarge the storage units to accommodate boats. They expect to build 10 units at a time and complete the project within 3 to 4 years. The only utility available is electricity, and the only access will be through the front when each end is fenced upon completion of construction. Lighting will be placed on the sides of the two parallel buildings where they face each other and at the entrance to the facility. Ellingsen asked applicant to furnish a large copy of the plan to the township.

Milauckas made a motion to approve the site plan for Saugatuck Storage Condominiums of 4/18/88, including the lighting scheme and based upon receipt of the large copy of the plan. Smith seconded, and the motion carried.

An added item to the agenda was the request for extension of the Hidden Dunes Condominium PUD. Over a year has elapsed since its original approval. Tom Burgess, representing owner Sherry Tedaldi whose letter dated 6/23/03 gives reasons for the lack of progress, explained that they have linked up with Log Home Villages, who want to buy the property and build the same number of homes (18) as originally approved. The latter group failed to find adequate water to build their originally proposed development on Riverside

Drive. The site plan would remain the same, except that the homes to go into the building envelopes will be 30'X30' rather than 50'X50' as originally proposed, and all the structures will be single-family homes, no duplexes. Public utilities are available, and the homes are the 1600 s.f. two-story log homes previously planned for Riverside Drive. Attorneys for Saugatuck and Laketown townships will forge a tax agreement.

There was some discussion about whether the Commission needed only to approve the extension, or also approve the changes in the site plan, and Burgess requested the second action as well, because he wanted the log homes approved for the envelopes. The minutes of May 14, 2002, were consulted, and Burgess agreed that the Master Deed still needs to be written. Milauckas referred to Sec. 40-772 (8), which provides for amendments to approved plans, but he wondered if that section meant there should be another hearing. He decided that this change required an approval, but not a hearing.

Phelps made a motion to approve the extension for Hidden Dunes for one year from May 14, 2003, and Shanahan supported. The motion carried.

Shanahan made a motion to approve the amended detailed site plan of 7/28/03 for Hidden Dunes. Phelps seconded, and the motion carried.

Meeting adjourned at 11:10 P.M. The next workshop meeting is August 18 at 7:00 P.M. The next regular meeting is August 25, 2003, at 7:00 P.M.

Betty A. White, Recording Secretary

Lissa Smith, Secretary

MOTIONS

1. Motion by Phelps/Smith to approve the minutes of May 19.
2. Motion by Rausch/Phelps to approve corrected minutes of June 16.
3. Motion by Shanahan/Phelps to close public portion of hearing for Dr. Peet's SAU for home occupation.
4. Motion by Milauckas/Smith to table to August 25 Dr. Peet's SAU for home occupation until ZA Ellingsen can evaluate effects on neighborhood.
5. Motion by Phelps/Smith to close public portion of hearing on Legacy Property Development site condo on 134th Ave.
6. Motion by Shanahan/Phelps to table Legacy Property Development site condo until topographical survey map, etc. ready.
7. Motion by Shanahan/Rausch to approve revised site plan of 6/23/03 for Saugatuck Christian Reformed Church.
8. Motion by Milauckas/Smith to approve site plan of 4/18/88 for Saugatuck Storage Condominiums, with condition of receipt of large copy of plan.
9. Motion by Phelps/Shanahan to approve extension of Hidden Dunes PUD for one year from May 14, 2003.
10. Motion by Shanahan/Phelps to approve amended site plan dated 7/28/03 for Hidden Dunes PUD.