

## SAUGATUCK TOWNSHIP PLANNING COMMISSION

September 27, 2004

The Saugatuck Township Planning Commission met on September 27, 2004, at the township hall on Blue Star Highway, Saugatuck, MI 49453.

Present: Darpel, Hanson, Marczuk, Milauckas, Olendorf, Rausch, Shanahan

Absent: None

Also present: Planner Sisson; Z. A. Ellingsen; Steve Smit, Focus Engineering and Robert Muusse for LaPointe; Joe Migas; Thom Carpenter and Dale Bauer for North Point Commercial Plaza; John Tysse for Ravines; and various members of the general public.

Chairman Milauckas called the meeting to order at 7:06 P.M. There being no general public comment, Hanson made a motion to approve the minutes of August 23 and Marczuk seconded. The motion carried. Marczuk made a motion to approve the minutes of September 1, Olendorf seconded and the motion carried.

Milauckas opened the public hearing on the preliminary plan for LaPointe PUD site condo proposed by Robert Muusse in R-2 on a private road at the end of 131<sup>st</sup> Ave. Secretary Rausch read the notice published in the newspaper, and Milauckas affirmed that proper notice had also been sent to the neighboring property owners.

Steve Smit of Focus Engineering explained that 18 single-family home sites were planned for the site condo and one large lot would be split off additionally, making 19. There are 33.7 acres of wooded property on banks leading down to the marshy edge of the river. Access is by a 33 ft. private road, Silver Lake Drive. Smit said the drain commission had discouraged detention basins, not wanting to store up water on top of the banks. Open space, 37% of the acreage, would be located around the perimeter of the development, and the health department would have to approve private wells and septic fields. He stated that there is no direct access to the river from this property because the areas below a green line on the site plan do not belong to the applicant.

Hanson asked if good water was available and Smit replied that the water at Lighthouse Estates, a new development nearby, was excellent, and he assumed it would be on the same aquifer. Olendorf asked how wide a swath would be cut for the new road to this development, and Smit replied that only 66 feet would be needed because a valley/gutter construction is planned, not a ditch, and utilities would have to find their way around the trees for 20 feet on either side of the pavement. There was comment that the "swath" cut for Lighthouse Estates was very wide, and Smit said it should have been no more than 86 feet.

Milauckas opened the hearing to public comment: (1) Nancie Sluis, 3161 60<sup>th</sup> St., wanted to know if they planned more houses for the future and was told they do not own any more property there. (2) Liz Engel, 3041 Indian Point Rd., was concerned about the high water mark and how high the water climbs when it is released from the dam at Allegan. Smit said the high water mark is 584' and the plan was to put homes on the bluff. She also wanted to know if there was a policy for clear cutting and penalties if they are overstepped. Milauckas said the Commission would put conditions on the development's approval. However, Ellingsen said there is a \$50 civil infraction fine for the first offence. Olendorf suggested a stop-work order could be made. Shanahan said for mortgage purposes 5 lots were dangerously close to the possibility of flooding and would require individual topo maps. Smit replied that they would have to comply with the health department and DEQ: preparing for the 100-year flood and staying 100 feet away from open water, and he stated that no drain fields

are planned for below the 100-year floodplain. (3) Bill Atman, 6356 Silver Lake Dr., wanted assurances that the existing road would be kept in as good condition as it is now, and Muusse said a road maintenance agreement could be made with the current residents. (4) Linde Salisbury, 6364 Silver Lake Dr., said her dock on the lake was under water 5 years ago. She was concerned about safety on the road at the crest of the hill where there is a blind curve because in the last 2 years there have been 14 accidents in front of her house. Muusse has marked the point on the road where the entrance to this development would be. (5) Malcomb McDonell, 6242 131<sup>st</sup> Ave., wanted an explanation of what constituted open space and drain fields and whether trees could be cut and was told drain fields are on the individual lots, whereas open space is the common area. He also wanted to know about lighting, and Muusse said they had not decided about lighting. (6) Dayle Harrison, 3108 62<sup>nd</sup> St., distributed a letter and read from same concerning the fact that this property lies adjacent to the Natural River Overlay District and should be harmonious with it. He said high density along the river is not good, roads don't need to have more than 2 feet of shoulder, no lighting is needed, and if they reduce by 2 lots the project would be better. (7) Gerrit Sturru, 6377 Old Allegan Rd., was concerned about the wildlife that inhabits the property, the Tri-Community plan's emphasis on staying rural and protecting the shoreline. Further discussion revolved around whether there would be sufficient space on the lots for the septic to be 75 feet from the well, who has the last word (health department) and whether the Planning Commission has the authority to require developers to preserve natural areas.

Shanahan made a motion to close the public portion of the hearing. Rausch seconded and the motion carried.

The suggestion was made that the new road could remain consistent with the existing 33 ft. private access road. Olendorf said to build drain fields they would have to cut down trees along the riverside. Smit said the primary drain bed could be more like a square box close to the top of the bank, rather than long and narrow, but if a reserve field is required by the health department, additional trees would have to go.

Milauckas enumerated the concerns of the Commissioners: (1) locale of the septic fields, (2) clearing width of the road, (3) clearing below the bank, (4) entrance to this road, (5) location of lot 1 and width of building sites, lots should be set back so development can't be seen until you are in the midst of it, (6) lots must be 125 feet wide, (7) street light placement and wattage, (8) preservation easement, (9) road maintenance agreement with current residents.

Shanahan made a motion to table the LaPointe PUD site condo application to the next meeting October 25. Darpel supported and the motion carried.

After a recess the meeting resumed with Olendorf as chair, Milauckas having recused himself because of his relationship to the next applicant. Olendorf opened the public hearing for a SAU for a par-three nine-hole golf course on 17 acres in R-3B by applicant Joe Migas. Secretary Rausch read the notice published in the newspaper. Migas displayed the plan and explained where the original holes on his former course were and how he had condensed them and added three holes in the middle where the driving range used to be. He also said the 16X16' pro shop would be in the southeast corner on Wiley Rd. Plans for the pro shop and parking lot were not included in the site plan, and the separate pro shop plan was not available to Commissioners ahead of time. Shanahan wondered what buffers there would be between the course and neighboring residences, but Migas maintained the balls would not be hit that far. Olendorf read a letter of objection from Norm Jones, who is building a new home on one of the lots adjacent to the course. Jones said he was concerned about safety and nuisance factors, upkeep and source of enough water, and buffers. He thought property zoned residential should be used as such and there is already a profusion of golf courses in the area.

Olendorf asked for public input and (1) Robert Dykstra, 6779 Wiley, said he has a home on one of the lots next to the proposed course on Wiley where Migas says there are no homes. He thought it looked awfully close to the first hole. (2) William J. Schmidt, across Wiley Rd. from the proposed course, said he thought it would not be dangerous, in fact, it would be an improvement.

Rausch made a motion to close the public portion of the hearing, Marczuk supported and the motion carried.

Olendorf directed the Commissioners to Sec. 40-1046, but Shanahan pointed out that if the site plan is inadequate, why go through the SAU? Sisson said the SAU requires a complete site plan. After some discussion of whether the use fit the district and what burdens it would put on Migas to create a detailed plan, the Commissioners reviewed the four standards in Sec. 40-693. Darpel said it would not be harmonious with the rezoning to R-3B and the comprehensive plan to have higher density residential use near the Village and to a dense development planned there. Shanahan did not think it would change the essential character of the neighborhood, which features a commercial use and a church, as well as residences. Sisson said a golf course would be harmonious with residential. There are complaints that there could be hazards, although some of the Commissioners did not think it was hazardous. No one thought it would place demands on public utilities.

Darpel made a motion to deny the SAU for the golf course because it does not comply with the character of the intended use of adjacent property and because of potential hazards, noise and disturbance to nearby residences. Rausch seconded and a roll call vote carried 4-2, with Hanson and Shanahan voting No. The SAU failed, but Migas was told to get some direction in making the site plan if he wants to apply again.

Milauckas resumed the Chair and brought up North Point Commercial Plaza's revised site plan dated 9/17/04 with elevations. Atty Bowens enumerated the changes made to fulfill the Commissioners' requirements: (1) Lighting photometric plan showing no more than 250 W and no higher than 14 feet with east side not visible to neighboring residence; (2) Landscaped islands in front of the buildings; (3) Saving the oak trees is not possible because they stand in the driveway and parking areas; (4) Elevations show arts and crafts style, varying heights, with horizontal lapsiding, fishscale, described on plan to be submitted for a building permit (Darpel said he would like to see an awning-type extension to break the straight line and was told that would add significantly to the cost, but the colors of the building fronts could be varied); (5) Driveways would be built to the property line and access would not be denied the two neighboring properties.

There was much discussion on the subject of keeping trees and varying the building fronts, and Bowens said the Zoning Ordinance does not provide the option of requiring that the applicant furnish several pictures of building fronts to choose from; Sisson agreed. It became clear that retaining an oak tree would probably result in a dead tree after a while. Sisson discussed his memo of Sept. 23. Milauckas said in the future the P. C. could say, "We're saving those trees. Design around them." However, it being too late to say that with this plan, he suggested putting in two tree islands in place of two parking spaces in the middle of the parking lot, and with Carpenter's advice about location, wrote them into the site plan. Olendorf suggested hard maple or dogwoods, rather than moving the silver maples available on the property.

The Commissioners examined the standards for site plan approval in Sec. 40-816. Hanson made a motion to approve the site plan dated 9/17/04 of North Point Commercial Plaza as complying with Sec. 40-816 of the Zoning Ordinance, provided that (1) there is recorded documentation that the applicant will not deny access to neighboring property owners, and (2) there be changes to the parking lot and planting islands on this plan as revised at this meeting. Shanahan seconded. In additional discussion of how to vary the building fronts, Bauer

suggested that he could also “go from fishscales to cedar shake, get creative.” The roll call vote was 6-1 in approval, with Marczuk voting No.

Milauckas apologized to John Tysse of Ravines and asked him to come back to the October 25 meeting because there is not enough time this evening to give it proper attention. He asked Ellingsen to prepare a memo of the history of this project before it is reviewed again.

Milauckas stated that the township board has asked the Planning Commission to expand the Wolters C-1 commercial on M-89 at exit 34. He added that Wolters has applied for rezoning to C-3 to put in a gas station, but he has not seen the application as yet. Shanahan made a motion to set a public hearing for the Oct. 25 meeting to rezone a portion of Wolters property on M-89 to C-1. Rausch seconded and the motion carried. It was mentioned that Milauckas and Olendorf would not have to recuse themselves on this issue, but they might have to on Wolters’ request.

Lighthouse PUD’s 128-foot clear cutting for an entrance was discussed. Limits for easement for utilities on private roads were discussed. Sisson said he doubted there was specific wording anywhere in the record to restrict the developer as to the width he could use for road easement and utilities. Olendorf said Smit, the engineer, has already admitted it was supposed to be no more than 86 feet. Darpel volunteered to listen to the tape. Ellingsen said he could only enforce conditions actually included in the motion.

Rausch reported that the drawing provided by Pump House Gym was acceptable.

Tri community key strategies should be read and discussed, according to Rausch. The town hearing will not be October 5 as originally planned, but the combined meeting with the Board will be October 13.

Meeting adjourned at 11:17 P.M. The next regular meeting is October 25 at 7:00 P.M.

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Betty A.White, Recording Secretary

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Sandy Rausch, Secretary

### **MOTIONS**

1. Motion by Hanson/Marczuk to approve minutes of August 23.
2. Motion by Marczuk/Olendorf to approve minutes of September 1.
3. Motion by Shanahan/Rausch to close public portion of public hearing on preliminary plan for LaPointe PUD site condo.
4. Motion by Shanahan/Darpel to table to October 25 meeting LaPointe PUD site condo
5. Motion by Darpel/Rausch to deny SAU for Joe Migas’ nine-hole golf course on Wiley Road.
6. Motion by Hanson/Shanahan to approve with conditions the final site plan for North Point Commercial Plaza.
7. Motion by Shanahan/Rausch to set October 25 public hearing for expanding C-1 zoning on Wolters’ property on M-89 at exit 34.