

SAUGATUCK TOWNSHIP PLANNING COMMISSION

January 24, 2005

The Saugatuck Township Planning Commission met on January 24, 2005, at the township hall on Blue Star Highway, Saugatuck, Michigan 49453.

Present: Darpel, Hanson, Jarzembowski, Marczuk, Milauckas, and Olendorf

Absent: Rausch

Also present: Planner Mark Sisson, Z. A. Ellingsen, Dan McNulty for Dancing Horse Vineyards, Jim Jeltema for Clearbrook Corp., Roger Marcy, and members of the general public.

Chairman Milauckas called the meeting to order at 7:00 P.M. After the first three pages of the revised version of the minutes of December 15 done by Atty Donnell were distributed to the Commissioners, Darpel made a motion to approved them as revised. Marczuk supported and the motion carried, with Olendorf abstaining.

There being no general comments from the public, the Commission took up Katherine Byrne's letter of September asking for reimbursement for her \$8000 cost for black-topping the bike path she said the P. C. required of her. Quoting from Feb. 26, 2001, minutes, Milauckas said an 8-foot bike path of bark was mentioned, and he and Ellingsen examined the site plans and found no black-topped bike path included. Milauckas said he had also reviewed the minutes of subsequent meetings and found no mention of a bike path. Olendorf made a motion to send a letter to Byrne with a copy of the minutes and say we're sorry she interpreted the request differently, leaving it open for her to return if she has further information on the subject. Marczuk seconded and the motion carried. **MILAUCKAS WILL WRITE THE LETTER TO BYRNE.**

At 7:20 Milauckas opened the public hearing on a request for SAU by Dan McNulty to create and operate a winery at 2864 63rd Street in the A-2 zone. Olendorf read the notice published in the newspaper and Milauckas verified that notice had been sent to neighboring property owners. Darpel recused himself because he was one of the neighbors notified.

McNulty referred to the displayed site plan, explaining that the 15.1 acres in question comprised the former Bella Vista farm which produced fruit jams and was an orchard before that. Milauckas stated that the site plan review may have to be tabled because the plan did not appear to be complete. McNulty listed the types of grapes he intended to grow and said he expected that by 2010 he would be producing 5000 cases of wine, hitting the maximum for the acreage. He said it takes four to five years for the grapes to mature sufficiently. In the meantime, he would be making wine at other facilities with juices he would purchase. He explained that the buildings were adequate, and the only thing he might change is to add parking along the west side of the building. The neighbor's use of his entrance road was discussed. Jarzembowski asked about the water system's adequacy for irrigation, and McNulty said he thought it would be adequate because of the kinds of soils he had and whatever there might be in the northern 2.4 acres would be drip-type only. Testing of the well which had some bacteria was discussed. Marczuk asked how many employees he might employ, and McNulty said he would do most of the work himself except in the spring planting and fall harvesting when he would employ migrants. He said he had been the vintner at Fenn Valley Winery and this operation would be only about 1/3 that size. Propane tanks were discussed because of the recent fire at Krupka's, but McNulty said he would use electricity more because heat is not used in the production of wine. He was more concerned with cooling

during the summer. Upon questioning, he explained where the tasting room of 855 s.f. and production space of 3814 s.f. would be in the building. The entrance drive is 30 feet wide along the property of Sally Howard.

Milauckas invited public comments, and Rosalie Yaksic, 6597 Old Allegan Rd., asked what kind of signage was proposed. McNulty replied that there is a wagon wheel sign upon which he intended to affix his sign of 5'X5'.

Sisson asked what other products he intended to sell in the tasting room, and McNulty said there might be basic clothes with the Dancing Horse logo, wine glasses, bottle openers, wine holders along with the wine. He would retail stores in the area also. He said the tasting room would serve 20 people, and the hours would be 10:00 – 5:00 Monday through Saturday and 12:00 – 5:00 on Sunday. By October activity winds down.

Louis Spencer, Holland, owner of property at 128th and 58th St., asked if the 5000 cases were limited by the manufacturing capacity or could juice be brought in to increase the production. McNulty said that could be done, but the way his facility and cooperage was set up he wouldn't be able to get much more than 5000. Milauckas pursued this to ask what he could produce based on the processing capacity, and McNulty said theoretically he could turn the cooperage every month and make 50,000-70,000 cases.

Jim Jeltema, 6534 Clearbrook Drive, said "Go for it, it sounds good."

Marczuk asked about handicapped access, and McNulty said he had checked with an advisor and he only needed a drinking fountain, but he intended to provide handicapped parking space.

Dayle Harrison, 3108 62nd St., asked about the wooded area on one border and McNulty said it was not part of his property.

Jarzembowski made a motion to close the public portion of the hearing. Marczuk seconded and the motion carried.

Olendorf asked if approval were given tonight, was the limit 5000 cases, or was it open to increase to a great deal more later on, and Sisson thought a limit could be set as a condition of the approval. Traffic as a nuisance factor was discussed, and McNulty said it would be less than there was when Bella Vista Farms had the property, as far as truck traffic goes, in fact only two trucks could carry all his production for a year.

When Sisson advised tabling the SAU until the complete site plan could be done, McNulty urged the Commission to deal with the SAU tonight because he needed that before he could continue with the many other approvals necessary. With that, Milauckas took the Commission through the four standards of Sec. 40-693 SAU, and consensus was that the proposed SAU complied. Hanson said the Ordinance provided that a production limit could be set and an annual review of the SAU could be done. Discussion of the 400' driveway determined that it did not need to be paved. McNulty said his farm equipment would be stored inside. Buffering along the drive would not accomplish much, according to Hanson, and McNulty said he would like to replace the fence with his neighbor's approval.

Hanson made a motion to approve the SAU for the Dancing Horse Vineyards as complying with Sec. 40-693 standards, with the conditions that the operation be limited to 15.1 acres, the existing buildings, 860 s.f. tasting/retail area, retail hours of 10:00 – 5:00 Monday through Saturday and 12:00 – 5:00 Sunday, signage

within the 5'X5' existing sign, maximum output of 5500 cases of 12 standard-sized bottles of wine per year; and that the ancillary products sold in the tasting room would be clothing, utensils and gifts that are wine-related; that the health department approve the site plan; that the site plan showing adequate parking, drainage, dust control, screening and refuse storage be approved; that the approval be subject to periodic review; and that any expansion or change in plans will require re-application to the Planning Commission. Marczuk seconded and a roll call vote showed unanimous approval, with Darpel abstaining from discussion and voting.

The site plan for Dancing Horse Vineyards was tabled to the February 28 meeting.

A second public hearing was opened on an SAU and site plan review for Clearbrook Corp. for an expansion of the kitchen in the restaurant. Milauckas and Darpel recused themselves because of a possible conflict of interest. A quorum remained and Olendorf assumed the chair and read the notice published in the newspaper.

Jim Jeltema explained that he proposed to add 500 s.f. to the east end of the clubhouse but there was no change in the use of the property. He added that with this addition the capacity of the restaurant would increase by 10-15% and there would be an increase in traffic and more parking would be available because of the amount of property on either side of the clubhouse. There will be no interference with the KLSWA easement 56 feet from the building. The canopy over the patio on the south will be a weather-proof roof with no sidewalls. Parking for 160-165 seats in the restaurant would require 82 spaces. Jeltema admitted that there are times when it is difficult to find a place to park at the golf course, but he did not think this addition would add to the traffic on Clearbrook Drive because the golf course is the reason for the traffic.

Olendorf opened the hearing to public comment, and Louis Spencer, Holland, owner of property on Old Walnut Lane (across the street from Clearbrook Golf Club), said he thought the existing parking is not adequate because people park on both sides of the street, interfering with sight lines. Roger Marcy, 3227 Lorrimar Lane, owner of property across the street from the clubhouse, said he agreed that the parking lot is inadequate because in the summer it's full and cars are parked on both sides all along the street. Rick Thompson, 3403 64th St., said he was not bothered by the parking and he was in favor of this project.

Marczuk made a motion to close the public portion of the hearing, Jarzembowski seconded and it carried.

Jeltema agreed that he could provide signs asking people to not park in the street and directing them to overflow parking areas and even add fencing, if necessary. He brought attention to the fact that this is his third SAU hearing and fee for a use that has not changed in 79 years. He was content with the site plan review and fee. Olendorf said it was not within the power of the Planning Commission to waive the fee for the SAU. Sisson said the issue of enlarging the operation was what brought the SAU hearing's necessity.

Olendorf directed the Commission to review Sec. 40-693 standards and the third seemed to be a problem in the parking aspect. Sec. 40-732 regarding golf courses was also consulted, but seemed not to present a problem.

Hanson made a motion to approve the SAU for Clearbrook's expansion application subject to Secs. 40-693 and 40-732 with the condition that the site plan be revised to show 10,000 s.f. additional overflow parking area on site plus a plan for signage to that effect. Jarzembowski seconded and the motion carried. Olendorf advised that Jeltema pursue the request for waiving the SAU fee and follow up with Z. A. Ellingsen.

Hanson made a second motion to approve the site plan for Clearbrook's expansion with the condition that additional parking be included in the plan and the revised version be submitted to Z. A. Ellingsen and the Planning Commission before a building permit is issued. Marczuk seconded the motion and it carried.

Milauckas and Darpel rejoined the Planning Commission and invited Roger Marcy to present his plan for a commercial and industrial project on Blue Star at Exit 36 for an informal review. The three large commercial lots on Blue Star would be sold off and the industrial triangle behind them would be devoted to three buildings for storage, small business and "toy barns," with a drive dividing the two zones. Marcy said they would bring in water/sewer, and there would be a retention pond in the eastern point of the triangle. An entrance drive from Blue Star would be on the northern boundary. Buffers along the expressway were discussed since all the trees have already been removed. Milauckas said the pond area would need to be perked, front yard setback must be 75 feet from ROW of a public street, and the facing of the buildings on that side would have to be finished in an appropriate material. It was determined that the entrance drive and the drive dividing the commercial from the industrial area would have to be 66 feet wide. Industrial zones do not require landscaping but the Commissioners would like to see a re-vegetation plan for this property, and Marcy said Bloomaert the owner would be agreeable. Olendorf brought up the swampy area, and Marcy said if you go three feet down it's damp so there would be no basements. Harrison maintained there are wetlands on the property.

Discussion ensued on condo-izing the industrial buildings, what type of businesses would be allowed according to the covenants written up, and how to determine the necessary parking spaces. Marcy was directed to the table of permitted business activities and the other Ordinances controlling the industrial zone.

After a brief recess, the meeting resumed at 10:10. Upcoming meetings include Feb. 2 joint meeting with the township board at 5:00 P.M. and regular P. C. meeting Feb. 28. A special workshop meeting to discuss the possible Ordinances on tree-cutting, private roads, parking, landscaping, lighting, building design, etc. was set for Monday, Feb. 7 at 5:00 P.M. Sisson said he was available.

In the meantime, Milauckas brought up Sec. 40-812 as a possible stop-gap to control indiscriminate tree-cutting on property before plans come to the Commission because it says "Prior to the issuance of Building Permits or commencement of any construction or land alterations, site plan review and approval is required.." Sisson said you could read it that way, but how do you enforce it? Darpel said unless someone goes to jail for cutting down trees, people are going to cut them down on their own property if they want to. Olendorf suggested there could be a requirement that those properties would have to be reforested before a building permit would be issued. Hanson said those people who answer phones in the township office should be informed of Sec. 40-812. Sisson said the township board can enact a police power ordinance to protect the health, safety and welfare of the public. Hanson said the tree-cutting businesses should be informed that this could be against the ordinance. Milauckas quoted from the ordinance provisions for a penalty for changing land.

Milauckas gave an update on Tri-Community Plan: next meeting on Feb. 10, he will prepare a page of the changes that have been made, two meetings in March, the final one on Mar.24.

Milauckas provided copies of the article from the Local Observer by Gordon Berguis about the December hearing on the Wolters Realty property at Exit 34 where the inference was that Milauckas did not recuse himself even though he was in the same circumstance as Olendorf, who did recuse himself. The reporter did not include the fact that the attorney said Milauckas did not need to recuse himself. The Commissioners all offered to countersign a letter to the editor that Milauckas should write.

Meeting adjourned at 10:50 P.M. The next meeting is a joint meeting with the township board February 2 at 5:00 P.M. The next special workshop meeting is February 7 at 5:00 P. M. The next regular meeting is February 28 at 7:00 P.M.

Betty A. White, Recording Secretary

Sandy Rausch, Secretary

MOTIONS

1. Motion by Darpel/Marczuk to approve the minutes from December 15, as revised by the attorney.
2. Motion by Olendorf/Marczuk to reply to Katherine Byrne’s letter about the black-topped bike path.
3. Motion by Jarzembowski/Marczuk to close public portion of hearing on Dancing Horse Winery.
4. Motion by Hanson/Marczuk to approve SAU for Dancing Horse Winery with many conditions. Site plan review tabled.
5. Motion by Marczuk/Jarzembowski to close public portion of hearing on Clearbrook Corp. SAU for kitchen expansion.
6. Motion by Hanson/Jarzembowski to approve SAU for Clearbrook with conditions concerning parking.
7. Motion by Hanson/Marczuk to approve site plan review for Clearbrook with conditions as above.