

## SAUGATUCK TOWNSHIP PLANNING COMMISSION

November 9, 2006

The Saugatuck Township Planning Commission held a special meeting on November 9, 2006, at the township hall on Blue Star Highway, Saugatuck, Michigan 49453.

Present: Darpel, Edris, Hanson, Jarzembowski, Marczuk, Milauckas, and Rausch  
Absent: None

Also present: Planner Sisson, Larry Sybesma, Cal Becksvoort of Latitude Engineering and John Balmer for Jet Construction, several members of the general public and one reporter.

Chairman Hanson called the meeting to order at 7:02 P.M. There being no general public comment, he reported on Fire Chief Blok's letter of October 27 on fire suppression on dead-end roads, on the placement of fire hydrants, and on what a good job Greg Janik does.

Larry Sybesma displayed his approved site plan with landscaping drawn on it and said Sisson had determined it met the Zoning Ordinance requirements as far as numbers of trees go. After some discussion which centered mostly on an 80-foot swath with no trees east of the entrance, Jarzembowski made a motion, supported by Edris, to approve the site plan dated September 19 with the modifications made by Sybesma dated November 9, which included two maple trees to be added to the east of the entrance driveway. The motion carried.

Hanson asked the commissioners to consider the revised "Draft Findings for Millenium Properties Conditional Rezone" and explained that the part of the motion which added the manufacture of juice, wine and cider had to be deleted because such activity is not allowed in the C-3 zone. It was pointed out that the final offer from the applicant has not come yet, and all related documents must first be reviewed by the township attorney before they become effective. Marczuk made a motion, supported by Rausch, to approve "Draft Findings for Millenium Properties Conditional Rezone" (see attached), with the change of acreage to 3.63, instead of 3.66, subject to the approval of the township attorney. The motion carried.

At 7:40 P.M. Hanson opened the public hearing on Jet Construction's application for preliminary review of the Chestnut Lane PUD in the R-3B Zone for 14 condominium units on 10 acres south of the Collins Wooded Acres Subdivision. Secretary Rausch read the notice published in the newspaper. Cal Becksvoort of Latitude Engineering displayed the site plan and explained that the traditional condominium meant that the purchaser of a unit would own only the interior to the paint. All exterior areas, including the outside walls, are considered common element owned by the association. He said they were trying to maximize open space and minimize tree clearing by shortening the right-of-way to the private road and making shorter driveways. The community drain field would be to the east of the development where the soils are better, as approved by the Allegan

County Health Department. Private wells will be drilled, and Becksvoort said the health department allows four units to a well. He proceeded to review Sisson's memo with his replies, dated November 9. He said there are 1.8 acres of wetlands as opposed to Sisson's figure of 6.6. Becksvoort supported his preference for an inverted crown roadway by arguing that the drainage would go to catch basins and eventually to a detention pond to the west of the units where the water table is high. He maintained the development would not release any more water than already leaves the site now; in fact, he said they would retain water in this pond and install dry hydrants for the purpose of fire suppression for the entire neighborhood. In addition to this, they are willing to create a foot path over a 20-foot wide reinforced earth access road as an extension of Hickory Lane to provide emergency access with a KnoxBox. He agreed to a 48-foot radius for the cul-de-sacs.

Milauckas questioned the 14 buildings, thinking zoning allowed 7 buildings, and Sisson replied that the Zoning Ordinance allows duplexes in R-3B, and these are detached. Well above the 35% open space is proposed. Sisson told Becksvoort the township road requirements should be observed as opposed to the inverted crown proposed. As far as the 50-foot ROW goes, Sisson wondered where public water might go if it were ever available, and Becksvoort said they would provide easement to comply with the township. Sisson also suggested a waiver would be necessary for the houses to be only 35 feet from the edge of the road, because that is not consistent with other developments. Becksvoort had referred to Lot #20 of the Collins Wood subdivision as encroaching upon this 10 acres, but said they would be willing to screen it, and Sisson suggested that existing vegetation should be left. Hanson pointed out that the position of existing homes nearby should be pictured on this plan. Rausch wanted to know how they could build an emergency access through a wetlands area, and Becksvoort replied that it can be mitigated through the DEQ for the health, welfare and safety of the population.

Discussion continued about the "deed restrictions" imposed by William and Marjorie Collins in 1973 which require, among other things, that the homes be year-round and have garages of at least two stalls and that Zoning Ordinance setbacks be observed. Balmer responded that he thought the "unplatted" parcels pictured on the 1967 map were not included in these deed restrictions. Hanson asked him to investigate this and come back with a clear statement as to whether the deed restrictions apply. Marczuk asked why shared wells were proposed when power outages might occur and adversely affect four homes instead of only one. Becksvoort replied that individual wells could be drilled. Marczuk also wondered how such a quantity of water could be guaranteed in the detention pond, and Becksvoort replied their borings indicated the water was within 4 feet of the surface in the driest part of the summer.

Hanson proceeded to read from the many letters of opposition received: (1) Kaye Clemens/Jeanne Triner, 6908 Lakeshore Dr., say tree clearing, septic, wells and run-off would jeopardize the fragile environment and the lake bluff; (2) Judith Coffield, 2641 Lakeshore Dr., is concerned about density, drainage, wetlands, increased traffic, beach access, tree clearing contributing to noise from I-196 and emergency vehicle access; (3) Jim and Gini Cooper, 6946 Colver, focus on the Artemis Environmental study of

wetlands and are concerned that 14 units would be built in an upland deciduous forest where 36% of the flora are wetland species, they wonder what the figures would be in the spring, and they provide an aerial photo showing the natural flow of drainage to the bluff; (4) Dr. William and Annette Frymark, 2647 Lakeshore Dr., are concerned that run-off from the septic systems would be a health hazard and they object to the density; (5) Paula Grubben/Paulette Yetter, 6907 Butternut Lane, say the deed restrictions demanding garages and completion in one year are not met and they are concerned that run-off would destroy the only ingress/egress by eroding Lakeshore Drive; (6) David and Virginia Holder, 6924 Butternut Lane, say this development would have a negative impact on neighbors and future property buyers because it is in opposition to R-3B zoning; (7) Tim and Deb Locker, 2659 Lakeshore Dr., are concerned that the run-off from this development would disrupt the natural water flow in the area and overburden the underground drainage system that runs the length of their property to the lake and they ask that a performance bond be required of the builder; (8) John and Deborah Matthai, 6936 Hickory Lane, refer to the deed restrictions, maintain that wetlands have not been determined by the DEQ and location for buildings and easements cannot therefore be proposed, wonder how the community septic system will be maintained and what will happen in the event of power outages, contend that the density does not conform with the zone and is inconsistent with the Tri-Community Plan when so many trees will have to be cleared; (9) Jerome Post, 2675 Chestnut Lane, refers to deed restrictions which he claims is binding on the entire parcel of Collins Wooded Acres, including currently undeveloped areas; (10) Priscilla Mueller, 2628 Lakeshore Dr., is concerned this development would devalue other properties in the area and cause dangerous run-off problems which could affect Lakeshore Drive; (11) Paul Renwick, 2675 Chestnut Lane, focuses on traffic, parking and fire hazards and emergency exits, pointing out that with no garages residents would park on the streets causing congestion; (12) Allen Rutzen, 2665 Lakeshore Dr., cautions against any ideas of beach access and asks that Jet Construction be prohibited from marketing this development as having beach access; (13) Charles VanDuren, 2657 Lakeshore Dr., maintains that all the neighboring property owners are against this development, that this land should be developed as 6 to 8 large single family home sites, that this would create infrastructure problems and environmental issues; (14) Edward and Stephanie Watts, 2593 Lakeshore Dr., point out the competition in real estate now and worry that the land will be cleared and nothing built because there is no market; (15) Dianne Wendt/Becky Boyette, 2676 Chestnut Lane, are concerned about the density, strains on water supply, traffic and parking, and safety hazards; (16) James Wentzell, 2659 Chestnut Lane, is concerned with run-off and contamination from the community septic system which would come through his property and with the increased demand on the water supply in the area; and (17) Atty James Schipper of Rhoades McKee in Grand Rapids thinks the deed restrictions and the community septic system are the main issues of concern and includes a copy of the deed restrictions.

Hanson then opened the hearing to public comment, and (1) Priscilla Mueller, 2628 Lakeshore Dr., said she is the largest adjacent property owner and the area is very wet. (2) Deborah Matthai, 6936 Hickory Ln., said she was concerned because of Jet Construction's performance at Serenity Pines. (3) James P. Maloney, 2671 Lakeshore

Dr., wondered if the properties are marketed as lake access, and Balmer said he had only gone as far as to contact the Road Commission. Maloney said he had been told by the township that nothing could be put on the road end (Colver Road) because it was only 46 feet wide. Sisson asked if it were possible to climb down and was told NO. Sisson added that whatever was put there would have to be for the use of the public. (4) Tim Locker, 2659 Lakeshore Dr., said Larry Brown of the Road Commission told him they would not give a private individual permission to build that access and the Road Commission would never build one because of the liability. Furthermore, the township would have to ask the Road Commission for a ruling on that. (5) Herb Bills, 6510 Bendemeer, said the owner of this parcel was not necessarily the owner of the easements on the property. He added that the surrounding "unplatted" areas did not perc for septic and were split off as only partially buildable, but the deed restrictions applied to the entire parent parcel. The easements of 66' are owned by the owners of all the properties and 40' setbacks apply. He said there are six or seven lots that could be developed with a community septic system as part of the whole subdivision. (6) Marcia Tucker, 6948 Colver St., said her first concern was the community septic system: require a performance bond, require that the developer establish an escrow account, require a back-up generator in case of power interruptions, require an inspection schedule, and require the homes be restricted to 2-bedroom with no garbage disposals. (7) Ginnie Cooper, 6946 Colver St., pointed out that the wetland study was done in August but there have been several years of drought and she would like to see a study in May. She said the majority of the homes proposed will be where water is already standing, and the drain field is very close to wetlands. (8) Pete Collins, representing his grandparents, said the intention was that the same density be maintained. (9) Charlie VanDuren, 2657 Lakeshore Dr., described the creek which carries ground water from neighboring properties under Lakeshore Drive, which drops 90 feet to the lake and which can take no more water because it erodes the bluff. He said it would be irresponsible to approve more than six or seven homes on this property. (10) Jerome Post, 2675 Chestnut Lane, wondered if construction begins in the winter of 2006, will it be cleared and then just sit. He was told that approval comes first and then there is a time schedule.

Becksvoort replied that the developer would protect the health, welfare and safety of the neighborhood, that they understood the drainage problems, that an escrow account was required by the DEQ for the community septic system, that the state forms a drain field association and regular monitoring is done by a state-licensed individual, that liability does not fall to the township. Becksvoort explained that wetlands shift, are not fixed forever. Determining wetlands depends on finding certain types of flora, finding hydric soils and finding water in the soil at a certain level. The DEQ certifies whether the analysis is correct, but only if the township gives the go-ahead for the development.

Balmer said the original plat showed 47 or 48 sites and he did not know why that plat was not executed, but he thought that was denser than what he is proposing. He said the community septic system would preserve trees because each home site would not have to be cleared for a septic system. He suggested that 10 acres should provide 20 half-acre home sites. Matthai countered that with the community septic system, Balmer is putting in more sites than he normally could since the western portion of the property is too wet

to support development. Sisson said metes and bounds divisions would yield 6-7 lots. Balmer said they shifted home sites to protect the sound barrier from I-196.

Paul Renwick, 2675 Chestnut Lane, asked why a developer would put houses near a highway, and he suggested Serenity Pines looks like “a bomb site.” Balmer said he has made changes in the Serenity Pines development which should produce a good result.

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

After a brief recess, when the meeting resumed, Rausch said she thought the application should be tabled for several reasons, and everyone concurred. Motion was made by Edris, supported by Darpel, to table Jet Construction’s preliminary review until he has sufficient information to answer the concerns expressed here. The motion carried.

At 10:15 P.M., Hanson opened the public hearing on the Zoning Text Amendment Ordinance, prepared by Atty Bultje, which achieves compliance with the Michigan Zoning Enabling Act. Secretary Rausch read the notice published in the newspaper. There being no public comment, Edris made a motion to close the public portion of the hearing. Jarzembowski seconded and the motion carried.

Sisson explained that the amendments affect the definition, “the Zoning Act” instead of “the Township Zoning Act;” the ability of the Zoning Board of Appeals to grant use variances if the township has allowed that prior to this time and to enact by statute standards established in case law up to now; and the standardization of hearing notices. Saugatuck Township has in the past granted use variances and so may continue to do so. Hearing notices must be sent to property owners or tenants within 300 feet 15 days in advance, and must appear in the newspaper 15 days in advance as well.

Darpel made a motion to recommend to the township board that they adopt the Zoning Text Amendment Ordinance of August 23, 2006. Rausch seconded and a roll call vote produced a unanimous approval.

Meeting adjourned at 10:35 P.M. The next meeting is November 21 at 7:00 P.M. at the high school. The next regular meeting is November 27 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 Jarzebowski/Edris to approve the landscaping plan presented by Larry Sybesma, with the addition of two trees.
2. Motion by Marczuk/Rausch to approve “Findings for Millenium Properties Conditional Rezone” subject to township attorney’s approval.
3. Motion by Rausch/Darpel to close public portion of hearing on Jet Construction Development LLC preliminary review of PUD condominium in Collins Wooded Acres.
4. Motion by Edris/Darpel to table preliminary review of PUD for Jet Construction.
5. Motion by Edris/Jarzebowski to close public portion of hearing on Zoning Text Amendment Ordinance.
6. Motion by Darpel/Rausch to recommend township board adopt Zoning Text Amendment Ordinance of August 23, 2006.