

SAUGATUCK TOWNSHIP PLANNING COMMISSION

April 23, 2007

The Saugatuck Township Planning Commission met on April 23, 2007, at the township hall on Blue Star Highway, Saugatuck, Michigan 49453.

Present: Edris, Hanson, Marczuk, Milauckas and Rausch

Absent: Darpel and Jarzembowski

Also present: Z. A. Ellingsen, Larry Sybesma, Mark Von der Heide for Saugatuck Professional Office Building, Jason Kalajainen and Jack Murchie for OxBow, and members of the general public.

Chairman Hanson called the meeting to order at 7:00 P.M. and opened the public hearing on Larry Sybesma's application for SAU for a hunting and sporting goods store on Blue Star Highway at 64th St. Secretary Rausch read the notice published in the newspaper. Although the site plan is approved and the building up, Sybesma explained it would not be a home improvement store, but rather a sporting goods business concentrated on hardware for fishing and archery. Asked whether they would sell bait, Sybesma replied that they secured a license but don't intend to use it. Also asked whether they would sell guns, Sybesma said they would keep the option open but were concerned with safety.

When Hanson opened the hearing to public comment, there was no comment. Rausch made a motion to close the public portion, Edris supported and the motion carried.

Discussion ensued about the landscaping, and Sybesma said within the next couple of months it would be in. Ellingsen said he could give Sybesma a temporary occupancy permit. Pavers have just begun working and the county stop light is going in also. Hanson read the standards for granting SAU, Section 40-693 (b). Marczuk asked what was going in the remainder of the 36 acres, and Sybesma said he had no plans now and would sell some of it. This use not specifically listed in the Ordinance, Section 40-468 (13) was reviewed.

Milauckas made a motion to approve SAU for Sybesma's sporting goods retail store based on compliance with Section 40-468 (13) and SAU standards in Article VI, with the condition that the existing landscaping plan be complete within 60 days from today. Marczuk seconded and a roll call vote showed unanimous approval.

Sybesma further stated he intended to move the books for his used car license into the office in this building on Blue Star in order to comply with State law, but he does not intend to keep cars anyplace on this property. Hanson said he thought that might have to go before the Township Board.

Hanson opened a second public hearing on a SAU application by Dean Borland for Saugatuck Professional Office Building at 6471 Blue Star Highway in C-1 zone.

Milauckas recused himself because he owns property across the street and did not want it to appear that there was a conflict of interest on his part.

Mark Von der Heide, the architect, explained the site plans dated March 5 and said they intended to square up the existing building to create a rectangular footprint with additional paving and a new two-way drive on the east end of the site. He thought a ZBA variance would be needed for the driveway spacing since it is 336 feet. Twenty-four parking spaces would meet requirements. The bike path is under construction. A porte cochere will be constructed on the front of the building, which gives a seven-foot front setback from the right-of-way. A patio will be provided on the east end for the ice cream shop which is a current tenant, a fenced refuse enclosure is planned for the northeast corner of the property, and a solid privacy fence along the north boundary is envisioned. The new sign may need a SAU, Von der Heide said. The floor plan contains a second floor with a conference room over the porte cochere. There would be four offices up and four down, plus the ice cream shop and its storage room. The style will be reminiscent of a beachfront cottage with stone and shake shingles, kept to 30 feet in height in accordance with the fire ordinance. The landscaping keeps mostly to the east end of the site. The parking lot would have catch basins to drain to Goshorn Creek.

The Commissioners reviewed Planner Sisson's memo dated April 20, which pointed out that the building is non-conforming and this plan would create almost a 50% expansion needing a variance from the ZBA. Other variances would be needed because of encroachment within the ROW by the sign and inadequate setback of the building, inadequate landscaping and driveway spacing.

Rausch said she was concerned about anything being funneled into Goshorn Creek and she thought the wattage on lamps should be reduced. Edris wondered if the east drive could be eliminated and Von der Heide said he thought the fire department wanted access around the building because the truck could not turn around. In answer to other questions, Von Der Heide said the building was 74+ feet long and 30'6" deep, and Borland said he had an easement to the property west of the existing driveway for parking. Hanson voiced opposition to such a large sign on Blue Star and to such a large porte cochere. He wondered if the applicant had thought of an alternative since this would take so many variances. Borland said he could just move to another location.

When Hanson opened the hearing to public comment, Deb Colvin, Kingfisher Cove neighbor, said she had issues with the massiveness of the porte cochere and sign and with run-off to Goshorn Creek. Milauckas, 2885 Lakeshore Drive, cautioned against allowing such narrow front set back since a 70' setback is normally required and this 23' setback would be reduced to only 7 feet. The carport is not necessary and the landscaping in the front buffer does not comply with requirements of Section 40-878(g). He also asked what the square footage of the existing building is and was told 2270 lower and 450 upper levels, and the proposed building would be 5388 s.f.

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

Edris made a motion to table the Saugatuck Professional Building SAU and the March 5 site plan until the applicant addresses issues raised in Sisson's April 20 memo plus the issues with Goshorn Creek run-off, lamp wattage, porte cochere and the buffer and landscaping. Rausch seconded and the motion carried.

After a brief recess the meeting reconvened at 8:33 P.M., at which time Milauckas rejoined the Commission. Hanson opened the third public hearing on SAU for OxBow in the R-4 zone for construction of an expanded new dormitory, previously approved in 2005 but at a slightly different location, and for construction of a 2200 s.f. residence for the Executive Director and an adjoining 1600 s.f. lodge for visiting artists, which will replace a demolished studio. Secretary Rausch read the notice published in the newspaper.

Jason Kalajainen, 119 W. 11th St., Holland, gave a history and description of the OxBow School of Art, stating that it is a 501c3 nonprofit organization governed by a board of directors associated with, but not owned by, the Art Institute of Chicago. This is the third phase of its four-phased expansion and includes the Metternich Lodge named in honor of Dale Metternich, a benefactor.

Jack Murchie, the architect, 910 N. Lakeshore Dr., Chicago, explained the site plan and added that the roadway and fire hydrants near the proposed Metternich Lodge were examined by Fire Inspector Janik, who seemed satisfied.

Hanson read part of Sisson's memo dated April 20 which pointed out that since this is now R-4 zoned, this is a non-conforming use and should be considered by the ZBA with site plan recommendations from the Planning Commission. Marczuk asked how high the proposed buildings are, and was told that the Metternich Lodge is 25 feet to the peak and the dormitory is 23 feet. Edris said there is a note about septic field on the northern part of the site. John Rossi, in charge of maintenance, said he thought it was incorrect, and even though a new septic field is still used by some of the cottages, the plan was to have everything connected to public sewer. Milauckas asked why they were building in Tallmadge Woods, and Kalajainen replied that it was less disturbing to the area to take down a building in disrepair and rebuild on the same site than clearing a new site. Murchie said mature trees would not be disturbed, just scrub.

Hanson reviewed the agreement made in 2003 between the City of Saugatuck and Saugatuck Township to extend public water and sewer facilities to OxBow as approved by MDEQ in 2002, which stated that no additional connections be made without the written consent of the above parties. Hanson read correspondence he had received including from: Ellen Sandor, a board of directors member; in favor; Karen Dunn, who quotes from the Commercial Record a concern about expansion into Tallmadge Woods, miscalculation of sewer and water needs from the last expansion, and the take over by Chicago Art Institute; and John Breen who questions the authority of those applying for expansion and thinks all Park St. residents should have been notified.

Kalajainen explained that Fleis Vandenbrink miscalculated the needed sewer/water level from the information given by OxBow at the time of the last expansion. Kalamazoo Lake Sewer and Water Authority will remedy the situation by June 1 at OxBow's expense. He said he had never heard from Park St. neighbors that they had sewer problems. On the subject of expansion into Tallmadge Woods, Kalajainen said Saugatuck's attorney gave him to understand that as long as OxBow continued to be operated as an art school, it could use Tallmadge Woods.

Hanson opened the meeting to public comment, and Henry Gleason, 1025 Park St., said he was concerned about the sewer problem and the inadequacy of the sewer pipe because a few years ago a neighbor had sewage in the basement. He thought OxBow was understating its use when they have fundraisers. Kalajainen said they bring in Port-O-Johns when they have fundraisers.

Dayle Harrison, 3108 62nd St., was concerned about expansion into Tallmadge Woods and about destroying historic buildings. Kalajainen said the building to be demolished is not one of the quaint, rustic buildings.

David Balas, 555 Spear St., Chairman of the Auxiliary Board and member of the OxBow Board of Chicago, said OxBow has property rights and he did not think Saugatuck should have a say about what's being proposed, but OxBow does want to make sure the sewer is up to capacity and meets all requirements. He added that Breen's and Dunn's comments about the ownership of OxBow are completely misplaced, and he cited all those connected with West Michigan who serve on boards.

John Rossi, 324 W. 17th St., Holland, said he supported the Master Plan for OxBow because he thought they had a very competent architect and builder and because OxBow has tried to work with the neighbors.

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

Milauckas said he thought the City of Saugatuck, as property owner, should have some input. Kalajainen said he had provided the City with all the same information given this Commission. Hanson said he would write a letter to the City manager asking their attorney to say whether the City has a legal right to object to this expansion and whether the water/sewer agreement of 2003 between the City and the Township might prevent the construction of Metternich Lodge.

Milauckas made a motion to find that OxBow's application for expansion is best decided by the Zoning Board of Appeals as the expansion of a non-conforming use and not as a PUD. Marczuk seconded. Milauckas amended the motion to add that the motion is based on the recommendation of the planner and attorney. Marczuk seconded the amendment. The amended motion carried.

Milauckas made a motion to table OxBow's application for expansion to the next meeting May 10 to receive input from the City of Saugatuck on the issue of the expansion of the sewer service and on the expansion into Tallmadge Woods and on the issue of the upgrade and repairs that were necessary for the sewer service. Rausch seconded and the motion carried.

Gleason asked what further expansion was planned, and Kalajainen replied that one additional print studio is planned and far into the future possibly more faculty residences.

At 10:00 P.M. Hanson opened the public hearing on proposed ordinance amendments. Secretary Rausch read the notice published in the newspaper. Hanson stated that adjustments will have to be made to the new Zoning Map if it is to be a legal document. After Harrison wondered why R-4 was not included in the formula to determine approximate lot yield and presented a scenario where wetland exceeded upland by a great deal, it was decided some revision was needed if this would be used as a guide line. The definition of "wetlands" may need to be adjusted. Edris said "high water mark" works for rivers and streams but not for Lake Michigan. Deb Matthai, 6936 Hickory Lane, said this guide was not clear and the Commission needs something simpler.

Edris made a motion to close the public portion of the hearing, supported by Marczuk. The motion carried. There was discussion about the changes of lines of bodies of water on the Zoning Map.

Milauckas made a motion to recommend to the Township Board that it approve Sections 1 through 12 and Section 15 of the draft of Zoning Ordinance Amendments dated March 29, with the stipulation (1) that the Zoning Map should be revised to delete the commercial island in Section 20 on the west side of Blue Star Highway and otherwise refined and approved by Planner Sisson and (2) that all sections of these amendments be reviewed and approved by the township attorney. Rausch supported, and a roll call vote showed unanimous approval.

Hanson announced a free basic training class April 26 offered by the Ottawa County Planning Commission led by Ron Bultje and Dan Martin. Hanson also stated that Z. A. Ellingsen will not provide occupancy permits for buildings going up on Corey Court without a fire hydrant. Further Hanson said the series of discussions about hydrants being needed on the north side of Blue Star prompted him to ask Township Manager Quade what he thought, and he said there are many communities more densely populated that don't have hydrants on both sides of the street. Hanson announced the first Joint Planning Committee will be June 12.

Meeting adjourned at 10:47 P.M. The next regular meeting is May 10 at 7:00 P.M. at the township hall. The next informal review for Saugatuck LLC is May 24 at 7:00 P.M. at Douglas Elementary School.

Betty A. White, Recording Secretary

Sandy Rausch, Secretary

MOTIONS

1. Motion by Rausch/Edris to close the public portion of the hearing on Larry Sybesma's SAU for a sporting goods store on Blue Star Highway.
2. Motion by Milauckas/Marczuk to approve Sybesma's SAU for a sporting goods store with conditions.
3. Motion by Edris/Rausch to close public portion of hearing on Borland's Saugatuck Professional Office Building on Blue Star Highway.
4. Motion by Edris/Rausch to table SAU and site plan review for Borland's Saugatuck Professional Office Building. (Milauckas was recused)
5. Motion by Rausch/Edris to close public portion of hearing on OxBow expansion.
6. Motion by Milauckas/Marczuk to find SAU application and site plan for OxBow expansion best decided by ZBA as non-conforming use rather than PUD in R-4 based on recommendations by attorney and planner.
6. Motion by Milauckas/Rausch to table site plan and SAU of OxBow expansion pending information from City of Saugatuck.
7. Motion by Edris/Marczuk to close public portion of hearing on Zoning Amendments.
8. Motion by Milauckas/Rausch to recommend to Township Board approval of Sections 1-12 and 15 of proposed amendments to Zoning Ordinance and of Zoning Map with revisions, approved by attorney.