

## SAUGATUCK TOWNSHIP PLANNING COMMISSION

April 17, 2007

The Saugatuck Township Planning Commission held a special meeting on April 17, 2007, 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, P. G. Walter, Daniel Schaafsma and John Balmer for Chestnut Lane PUD, Bruce Zeinstra for River's Edge PUD and members of the general public.

At 7:02 P. M. Chairman Hanson called the meeting to order. The minutes of February 20, previously revised, were further amended at this meeting to correct spelling of Jarzembowski and Tony Vettori; to change line 39, page 1 to "Byma" instead of "Neumer;" to revise line 7, page 2 to read "They asked about completion of an analysis of North and South properties and net area and lot quantity;" and to substitute "opened" for "open" line 9, page 2. Marczuk made a motion to approve these amended minutes, Edris seconded and the motion carried.

The minutes of February 26 were amended as follows: Page 1, line 14 and 15, change "Streets" to "Board" and delete the following two sentences; line 35, change "drive reduction" to "reducing the number of driveways;" line 56 public comment was from Gerrit Sturuss, 6377 Old Allegan Rd.; Page 2, line 12 delete (Milauckas agrees); lines 19 and 20, change to "Laura Stannis, Old Allegan Rd. believes a pathway would be better than the driveway;" Page 3 insert at line 43 "Marczuk left the meeting at 10:00 P.M.;" and Page 4, starting at line 16 it should read ". .Section 40-1076 regarding legal descriptions in zoning, amendment of appropriate Section in Residential Districts regarding lot size, exclusive of right-of-way, and modification to Section 40-190. ." Milauckas made a motion to approve the amended minutes of February 26, Marczuk seconded and the motion carried.

The minutes of March 26 were amended as follows: Page 3, paragraph 2 in the first amendment in the motion, add "to 10 feet" after "buffer width;" and at the bottom of page 3 after "Rausch made a motion to close the public hearing," add "in the event it was set as a public hearing." Milauckas made a motion to approve the March 26 minutes as amended, Rausch seconded and the motion carried.

There being no public comment, Hanson reviewed his correspondence: March 30 letter from Fire Inspector Janik about the requirements for extending the fire hydrant system on Sambroek Lane, March 29 letter also from Fire Inspector Janik reminding Township that hydrants are needed on the north side of Blue Star Highway, and Hanson's response that the Planning Commission has no authority to require developers to install fire hydrants.

Hanson introduced an informal review of a development at Blue Star and 134<sup>th</sup> Avenue proposed by P.G. Walter, who displayed his plans and stated he intended to develop the 9.1 acres into five single-family residences in a site condominium. The two lots on 134<sup>th</sup> although part of the site condo will not have the road maintenance responsibilities of the three northern lots, which will have a drive onto Blue Star 150 feet from the neighboring Hedglin drive. After describing the difficulties of planning such a development in an area lying in C-2, R-1 and the Commercial-Residential Overlay District, Walter said he would like to use the guidelines of a PUD for open space and lot sizes as it pertains to R-1, creating 30,000 s.f. lots in the uplands and leaving the low wetlands as open space. He said the fire department has approved the plan, with some recommendations, and the health department has inspected the area. There would be private septic systems and public water. Sisson said residential PUD's are allowed with SAU in the commercial zone, and the size of neighboring lots would be a guideline for this development.

Edris said it was not clear whether the Planning Commission has the authority to come up with the density in this kind of situation or if it should go to the ZBA. Although Sisson thought the ZBA was the way to go if the P. C. was uncomfortable with the decision, two other developments, The Sanctuary and Kingfisher Cove, have been developed by PUD with SAU in the Commercial/Residential Mixed Use Overlay District.

Hanson said Walter had to pay \$100 for an informal review, and there was some discussion about when this became part of the fee schedule. Jarzembowski said he thought it began before he got on the Board, but the Board is now enforcing it.

Hanson then brought up the continuation of a preliminary review of Jet Construction's proposed Chestnut Lane PUD near Lakeshore Drive. Daniel Schaafsma of Latitude Engineering and Surveying explained that the revised plan has 7 duplexes with 14 dwelling units, 40 feet off the private road, with side yards being the only setbacks modified as per the PUD provisions. A retention-detention pond, governed by Drain Commission standards, will provide fire protection and will be buffered on the west side by a vegetative strip and landscape berm. The plan eliminates one cul-de-sac and has less impervious areas. The duplexes have been moved to the east somewhat. Schaafsma said the existing Collins Woods has had no drainage systems and this retention-detention pond should benefit that area as well. He referred to a study done by Aqua-Tech Consultants. Sisson commented that if flooding happens later and the Drain Commission decides to "pull the plug" on the pond, there would no longer be the fire suppression capability the Fire Department was counting on. Schaafsma said the sanitary lines are in a common easement, but if it becomes an issue, they can be moved outside

Edris said his experience has been that the cause of bluff erosion along Lakeshore Drive has not been ground water but rather water draining through the ground from all levels, and interceptor drains have been needed farther south along the lakeshore because this continues even during drought periods. He added that he hoped this developer would work with the neighbors to come up with a real solution to this problem.

Hanson opened the meeting to public comment and Herb Bills, 6910 Bendemeer, said the hydrology study by Aqua Tech was not done from on-site study but from Balmer's information about the site. He outlined the high water problem from Wiley Rd. to M-89 along the lakeshore and developments which have necessitated interceptor drains which run into creeks and ditches occurring along this stretch of land. When Collins Woods was developed no drain was built, and he said the neighbors are proposing a drain be constructed along Hickory and Colver Sts. by this developer. Hanson said this developer is only required to show the Drain Commission that drainage will be no worse after his development, and Sisson maintained the township cannot require a developer to install a drain off-site.

Charles Van Duren, 2657 Lakeshore Dr., said the neighbors should not have to address additional drainage issues which did not exist before this developer arrived.

Marcia Tucker, 6948 Colver St., wanted to know what the recourse is if the pond fails, saying her property is wet every two years so it is not just the 100-year-flood they need to be prepared for. Hanson said a condition can be written into the approval resolution, and the homeowners' association of the development would have to monitor this.

Deb Matthai, 6936 Hickory Ln., referred to Balmer's "track record" at Serenity Pines. Balmer said he had not received final approval from the DEQ there, and Matthai further argued that on this project he would have to deal with the DEQ and he already has problems with DEQ on Serenity Pines. She mentioned deeded restrictions of Collins Woods that a single home must be completed within one year, and Hanson said he didn't think that could be applied now across Mr. Balmer's proposed development as a whole.

Van Duren further suggested that 5 units had been suggested at previous meetings, but there are still 14 dwellings on this plan. It was explained that by right 5 lots are allowed, but with PUD 7 could be developed and duplexes are allowed in the zoning district. Schaafsma reviewed the "amenities" of PUD for this site as presented in his letter of March 12. Matthai countered with "where are the trees" to be saved by a PUD. Balmer said only 10 feet of clearing would be allowed around each building footprint for landscaping. Bills insisted that 5 individual home lots and a drain would be best. Balmer said the pond would be a benefit for fire suppression.

Hanson read from letters from the concerned neighbors dated March 8, from Matthai dated March 18, from Fire Inspector Janik dated March 30, from Cynthia Hatfield of 2660 Chestnut Ln., from Allen Rutzen of 2665 Lakeshore Dr. dated April 11 and his exchange with the Fire Inspector, from the Coopers dated April 17, and from the Lockers of 2659 Lakeshore Dr. dated April 14.

Hanson invited the Commissioners to comment, and Milauckas started with the drainage issue, that is, short term, make an agreement with the Lockers to increase the size of the pipe; long term, create an interceptor drain with all the neighbors' financial participation. Edris commented that the Gudith drain took two years after 50% of the homeowners agreed, and Gudith was township supervisor at the time. Milauckas said the drainage

expert who has not been to the site doesn't help, and he suggested having the township engineer review the problems. There was some discussion of the advantages of sticking to a PUD rather than a by-right development because of controls included, but the Commissioners expressed concerns for the density and the prospect of exacerbating the drainage problems along Lakeshore Drive. Hanson reviewed the PUD standards in Sec. 40-779 and there was some give and take with the developer over how many fewer units he would consider.

Jarzewowski made a motion saying, based on Sections 40-779 and 40-780, the Commission would consider a plan for Chestnut Lane PUD consisting of 5 buildings where units 1,2,3 and 4 would be eliminated and units 5 and 6 would be moved to where the pool is now on the plan dated March 10, 2007. Marczuk seconded and a roll call vote showed unanimous approval.

After a five minute break, the meeting reconvened at 10:07 P.M. for a final review of River's Edge Site Condo. Hanson announced that a letter from Atty Bultje listed several changes to be made in the condo documents for River's Edge, and an amendment has been made to satisfy those changes. Zeinstra said they would meet with Ben Zimont, MDEQ, to find out what needs to be done to repair the beach area, and permits will be copied to the Township. Sisson said Z.A. Ellingsen should not allow anything to be done until that permit comes through, according to Section 40-943.

Milauckas made a motion to approve the final site condominium plan for River's Edge dated 4/16/07, as consistent with the attorney's review and acceptance of the By-laws and Master Deed, with the following conditions: (1) That the final site plan be submitted to the county health department, road commission, drain commission, appropriate state and county agencies as provided for in Section 40-940 (d); and (2) That the township be notified by MDEQ that the developer has complied with its requirements regarding issues with the river's edge and bluff. Marczuk seconded and the motion carried.

Hanson announced two training sessions available: Michigan Land Use May 4-6 and Risk Management May 17.

On the analysis of possible density on the LLC property prepared by the owner's representatives, Sisson commented that planners for the "Denison" property seem to ignore allowances for roads, etc. when they divide acreage by permitted density under the former R-3B zoning because for the north property they come up with 350 as opposed to Sisson's estimate of 263 units, assuming no public sewer or water. On the south property instead of their 148 units, only 99 might be permitted.

Hanson said the new Joint Planning Committee will be meeting the second and fourth Tuesdays of the month probably beginning May 22. They plan to review the Harbor Committee's report and future development.

Hanson presented the Commissioners with the new Township Zoning Map, which must be studied before it is adopted formally.

Meeting adjourned at 10:50 P.M. The next regular meeting is April 23 at 7:00 P.M. at the township hall. The next informal review with Saugatuck LLC is May 24 at 7:00 P.M. at Douglas Elementary School.

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Betty A. White, Recording Secretary

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Sandy Rausch, Secretary

### **MOTIONS**

1. Motion by Marczuk/Edris to approve amended minutes of February 20.
2. Motion by Milauckas/Marczuk to approve amended minutes of February 26.
3. Motion by Milauckas/Rausch to approve amended minutes of March 26.
4. Motion by Jarzembowski/Marczuk to consider Chestnut Lane PUD plan as revised extensively by Planning Commission.
5. Motion by Milauckas/ Marczuk to approve final plan for River's Edge Site Condo with conditions.