

SAUGATUCK TOWNSHIP PLANNING COMMISSION

November 25th, 2013

The Saugatuck Township Planning Commission held a regular meeting on November 25th, 2013 at the Saugatuck Township Hall, 3461 Blue Star Highway, Saugatuck, Michigan 49453.

Present: Chair Maggie Conklin, Dayle Harrison, Joe Milauckas, Sandy Rausch, Bill Rowe, Brad Rudich & Ed Welk

Absent: None

Also Present: Township Planner Mark Sisson and Zoning Administrator Al Ellingsen

Chair Conklin called the meeting to order at 7:04pm.

III. Public Comments

None

IV. Review of Agenda

- Added "Review of Agenda" as #4
- Rudich requested addition of "Fracking Committee Update" after public hearings
- Harrison wanted to include a section on Planning Commission member's thoughts after the special meeting with Singapore Dunes, LLC. Rauch, Rudich & Conklin did not feel this was necessary. Conklin suggested just putting it at the end of the agenda if time allows.
- Milauckas would like to add Aaron's memo in regards to budget and expenditures. Conklin added it as part of the original #8. He also requested an update on the status of the critical dunes ordinance.
- Review of minutes were moved to before the public hearings

Milauckas moved to approve agenda as amended, Harrison Second. Motion passes 7-0.

V. Review and potential approval of minutes of previous meeting

- October 21 Minutes
 - Conklin asked the spelling of Jim Bruinsma be corrected (initial minutes said Briceman)
 - Conklin also asked under #4, to add a "y" to make the word "they" versus "the"
 - Harrison felt a lot of the issues raised by the Planning Commission were not detailed in the minutes. He would like the secretary to go back thru and add more detail in the minutes
 - Milauckas asked that under #4, the "according to Singapore dunes...." Sentence be amended (see updated minutes for detailed amending)

Milauckas moved they approved the minutes as amended. Rauch second. Motion passes 7-0.

- October 28 Minutes
 - Conklin asked the spelling of Jim Bruinsma be corrected (initial minutes said Briceman)
 - Milauckas wanted to add that the PC (himself) did point out that they did not change or add any new requirements that are not presently in the ordinance under section #6.

- A missed motion was added between #10 & #11....”The board did go back to the discussion on the ordinances. Milauckas motioned and was supported by Rauch to set the proposed amendments to the sign ordinance and the private road ordinance as contained in Mark Sissons memos for public hearing at the November 25th meeting. Motion passed 5-01”

Welk motioned to approve the minutes of the October 28, 2013 meeting, Rudich second. Motion passes 7-0.

VI. Public Hearing regarding Signs, Billboards and Visual Attraction Devices

Rauch read the public hearing notice

Sisson reviewed the changes to the ordinance

- In regards to signs, the first provision was a loophole as a result of the definition of the word sign, which does not recognize the structure the sign face adheres to (whether it be a pole or another structure), so if someone takes the face off the structure, the structure no longer remains a sign and does not have to be removed. The second part of this is to include “sign face” definition. Third, for a regulatory standpoint, 40-634C has been updated to mentions “remnants” of signs that are not maintained they may be taken down. Another issue addressed was in regards to flashing signs. Basically added in “any sign which uses digital display technology such as liquid technology such as LCD, plasma or LED is prohibited”. Also, 40-634J the sign height limitation has been set in the agriculture and residential zones to 5 feet. The fourth issue had to do with Sisson’s concern with some of the sign provisions, there have been some rulings at the court level in regards to sign content, and he wanted to be sure the ordinance was consistent with those rulings. After discussion with legal, the amended ordinance has been deemed not to aggressive and will work as presented. There were a few other miscellaneous changes incorporating “sign face” and “sign structure”, as well as “building site” and “site condominium.”

Rowe shared his concern with page 7 under “J1” in regards to the word “grade”, as a sign wouldn’t have an average grade. It has been updated to state “the Average Grade within 6ft of the base of the support or supports of the sign”

Rowe moves to recommend to the Township Board that they approve the ordinance as amended on page 7 in the November 19th draft (in regards to grade), Rauch second. Motion passes 7-0.

VII. Public Hearing regards Private Roads and Driveways

Sisson reviewed the changes to the ordinance

- First issue relates to the hardship that the ordinance creates relative to private roads by the definition of what a private road is, which is interpreted as any private easement for motor vehicle access that serves two or more lots. As a result there are situations where a piece of property 600 feet wide is splitting two, and that driveway put in the middle in effect (because of the provisions of the ordinance relating to set back) creates a corner lot situation, therefore the existing house would be made non-conforming. So there was a need to clean up the ordinance and make it a bit more reasonable to situations like these. The first result was the change the definition of what a private road is – the new definition is anything that serves three or more lots. If it serves one or two, it is a driveway (or shared driveway). The definition shared driveway is also being added (serving two lots). So basically in situations in which a driveway or shared driveway is created next to another lot, it doesn’t create the corner lot setback. The

ordinance also makes it so anything defined as a private road, the right of way can only begin 10 feet from that property line (the property not benefited from the road). Solutions are defining what a driveway, shared driveway is and re-defining what a private road is. And then requiring 10 feet from easement from the adjacent property line. Another part of the requirements is inserting a prohibition on private roads if they create non conforming lots. Third issue is whether or not the Planning Commission should have authority of the review of private roads, as it stands right now, the authority for approval to the zoning administrator. This revision requires any private road internal to a PUD, PLAT or Site Condominium Development or any road leading to or extended to those types of developments will be reviewed by the Planning Commissions. Any land divisions or property splits will continue to be reviewed by the zoning administrator. This is a change to 40-658 discussing the dual authority depending on the situation that is involved. 4th issue is emergency access 40-658E, discusses single access developments are required to have emergency access, and if the development has more than 50 units it may require a second means of primary access in addition to the emergency access. This brought up a concern with Jim Bruinsma's and the Singapore Dunes, LLC current project, therefore section 40-658M was added to this ordinance to address their concerns

After discussion between several members it was deemed necessary to amend the definition of shared driveway on page 1 to state ".....ingress and egress and further provided that it is contained in a recorded easement a minimum of 20 feet in width and which means the requirements of the fire safety official"

Rowe moved that they recommend to the Township Board that they accept this zoning text amendment with the changes provided on page one, Rudich second. Motion passes 7-0.

VIII – Continuation of Discussion - Update from the fracking committee

Rudich distributed a copy from the Professor Batzer at Cooley who is helping create the ordinances for fracking. The committee has been informed that you cannot create an ordinance that specifically targets fracking, although the committee has come up with several ordinances that we currently have that need updating as well as some new ordinances drawn up. The committee is going to have the professor finish up two ordinances (truck route and wetland protection) and then she can also go over Fire Emergency response ordinance. The committee would like to present some of these ordinances at the next Planning Commission meeting. Rudich said there is no way to put everything together at one time, so they will provide ordinances to the commission as they complete them. Rudich also mentioned that adding an additional PC member on the committee once Rauch leaves may be a bit overwhelming as it could be challenging to catch someone up on all the information; the board agrees there is no need to replace Rudich when she leaves on this committee, but to keep it as Harrison, Rudich and Dickie.

Harrison felt that although the ordinances are good stuff, they are not dealing directly with fracking. He feels we can deal directly with it as other townships are doing it and he is more concerned with the special land use and special use approvals particularly on fracking. Rowe & Conklin said we cannot do this (per the attorney and the state), although Harrison does not agree.

Rauch said passing the fire code is very important, if they can even just get that done in December, it is a big step.

IX. New Business – Discussion regarding start time & meeting length

After discussion between commission members the start time will remain 7pm and the board will do their best to keep all meetings 3 hours – ending at 10pm.

X. Continuation of Discussion – Critical Dunes Overlay

There is no update; AI is waiting to hear back from Ron (legal). AI will get back with the PC once he hears back from Ron; next update will be at the December meeting.

XI. Township Board Updates & PC Comments / Aarons Budget Memo

The Planning Legal Fund has been exhausted; the money from the mileage has been used. 4 months into the fiscal year, the PC has already used \$22,000 in planning & legal expenses, quite a bit of which was due to critical dunes litigation. Aaron has suggested as a part of every meeting during the approval of minutes, the PC also approve the bills associated with planning as well as escrow balances.

Harrison said he had heard we have upwards of a quarter of a million dollars in uncollected fees in regards to escrows. Rudich said its closer to 11K; Ellingsen said it actually closer to 8K. And the majority of those who didn't pay went bankrupt.

Milauckas said what they have budgets for planner fee's is 5K for the year, and Aaron told him we already have \$5600. Aaron is talking about doing nothing fiscally for the next three months on the PC. Harrison wanted to know as to how much was spent on the Singapore Dunes, and where did the \$75K (from the consent judgment) agreement go? Ellingsen said it was to pay for ZBA not the PC. Milauckas wanted to know why the budget is so much lower this year than previous years. PC also wants to know if Aaron lowered their budget and didn't let them know until now. Rudich suggested that we may need to amend the budget. Milauckas also wants to know where all the raised mileage funding went that was for Planning & Zoning and legal expenses in relation to Planning & Zoning, he is under the understanding that may have went to pay for other legal expenditures.

XII. Continuation of Discussion – PC Discussion on the Special Review Meeting (Singapore Dunes, LLC)

This has been tabled until next month's meeting

XIII. Adjourn

Meeting was adjourned at 10:23p

Approved Minutes 12/16/13.

Elizabeth "Birdie" Holley, Recording Secretary