City Council Agenda Item Report

FROM: Luke Thompson, Director of Planning/Zoning

MEETING DATE: January 27, 2025

SUBJECT: Hardscaping in Right of Way Request – 560 Mill Street

DESCRIPTION:

In September of 2024, staff received a retroactive right of way application for the installation of existing hardscaping on Simonson Dr. They have submitted the attached request to allow the decorative hardscaping such as a water fountain and sprinklers on site to remain but have agreed to remove the stone wall which runs along Simonson Dr. The owner estimates that the existing hardscaping is situated within 20ft of the Southeast property line (Exhibit A).

Recently, a neighboring property had a retroactive request for hardscaping denied. There are some key differences between the properties such as the encroachment of Mill St onto the applicant's property. However, due to the length of time the encroachment has been in place, the City likely has equitable title and the property owners could be viewed as similarly situated.

The City's new hardscaping policy prohibits decorative concrete, boulders, permanent planter pots and fountains from being constructed in the right of way. However, the new ordinance states City Council "may issue a permit for a use prohibited under the Policy that has been installed or constructed prior to the implementation of this Section."

Permit applications shall be assessed by the City Council based upon the following criteria:

(1) The proposed cost of installation;

(2) The potential risk of harm associated with such installation, including, but not limited to potential for the installation to encroach on the motorway, break, malfunction, and cause harm to pedestrians and motorists;

(2) The ease and cost of removal of the installation;

(4) Whether the installation aligns with the surrounding area and provides an aesthetic benefit to the community;

(5) Whether the installation pre-exists the passage of this Ordinance;

(6) The proposed size of the installation, including height and width;

(7) The material of the installation (i.e. plant matter, wood, brick, mulch, and plaster); and

(8) Review, comment, and recommendations of City staff and departments.

The City Engineer reviewed and noted the following if Council were inclined to approve the request:

- The hardscaping should be pulled back, not necessarily to the property line, but at least enough to allow for parallel parking along the Simonson Street frontage away from Mill Street and better clear vision at the intersection.
- Any approval should come with a requirement to keep bushes, shrubs and other visual obstructions (individual trees can probably be exempted, based on the nature of the intersection) trimmed down below a driver's eye. 3.5 feet is commonly used for sight distance analyses, so I would suggest 3 feet as the maximum height for bushes, shrubs and other visual obstructions in the clear vision area here.

LEGAL REVIEW:

The City Attorney has reviewed and will be available at your meeting to answer any questions you may have.

SAMPLE MOTIONS:

Motion to deny the request to maintain hardscaping within the City's right-of-way at 560 Mill Street, on the basis that the hardscaping at issue encroaches upon and may interfere with the City's current and planned use of the Mill Street right-of-way for vehicular traffic and parking.

Exhibit A

60 Simonson Dr
57-051-001-21
57-051-001-20
20 ft
57-051-001-22
60 Mill St

ROW Permit Fee: $150
Temp ROW Permit Fee: $75
Street Cut/Curb Cut Escrow Deposit: $3000
Installation Bond/Escrow: Superintendent Discretion
ROW Permit – Council Review: $250

City of Saugatuck
EST. 1868

RIGHT OF WAY PERMIT APPLICATION

Applicant Information	
Name: Tim Tamer	Business or Organization: Tim [redacted]
Address: 560 Mill street	Phone: [redacted]
E-mail: [redacted]	
Contractor:	

Project Information	
Request Type (select all that apply):	☐ Street Cut ☐ Curb Cut ☐ Boring ☐ Stormwater Connection ☐ Sidewalk Closure ☐ Sidewalk Removal/Replacement ☐ Installation ☒ ~~Temporary~~ Encroachment
Project Location: 560 Mill St	
Description of Work/Project/Installation:	
Lease of land on Simonson in trade of road enchroachment of 9 feet	
on Mill street. Owner to remove stone curb along the Simonson side	
Cost of Installation:	
Safety Measures:	
Start Date: September 2, 2024	End Date: ~~December 30, 2024~~ 100 yr.

City of Saugatuck
EST. 1868

Checklist	
Attachments (select all that apply):	☒ Survey, Site Plan and/or Drawing ☐ Traffic Control Plan ☐ Certificate of Insurance naming City of Saugatuck as additional insured

Attestation

By signing this application, I understand and agree to all of the following:

- The statements made in this application and submitted plans are true, and if found not to be true, any permit that may be issued may be void.
- To comply with the conditions and regulations provided with any permit that may be issued.
- This application shall be deemed an agreement by the applicant to promptly complete the work permitted, observe all pertinent laws and regulations of the City in connection therewith, repair all damage done to the street surface and installations on, over or within the street, including trees, and protect and save harmless the City from all damages or actions at law that may arise or may be brought on account of injury to persons or property resulting from the work done under the permit or in connection therewith.
- To indemnify and save harmless the City against all damages or actions at law that may arise or be brought by reason of the excavation or structure being under, over, in or upon the street, or being unfastened, out of repair or defective during the ownership or control.
- An issued permit may be revoked by the City Council if there is a failure to abide by the conditions set forth in the permit or maintain the installation. A permit is automatically revoked if the installation causes or inflicts unreasonable harm on persons or property.
- Encroachments and obstructions in the street may be removed and excavations refilled, and the expense of the removal or refilling charged to the abutting landowner when made or permitted by him or her or suffered to remain by him or her otherwise than in accordance with the terms and conditions of the City of Saugatuck Code of Ordinances.
- All applicable sections of the City of Saugatuck Code of Ordinances and all other applicable laws, ordinances and regulations will be complied with.
- This is a permit application (not a permit) and a permit, if issued, does not include any representation or conveyance of rights in any other statute, building code, fire code, deed restriction or other property rights.

Applicant Signature: Timothy J Tamer	Date: 08-30-2024

ADDITIONAL INFORMATION

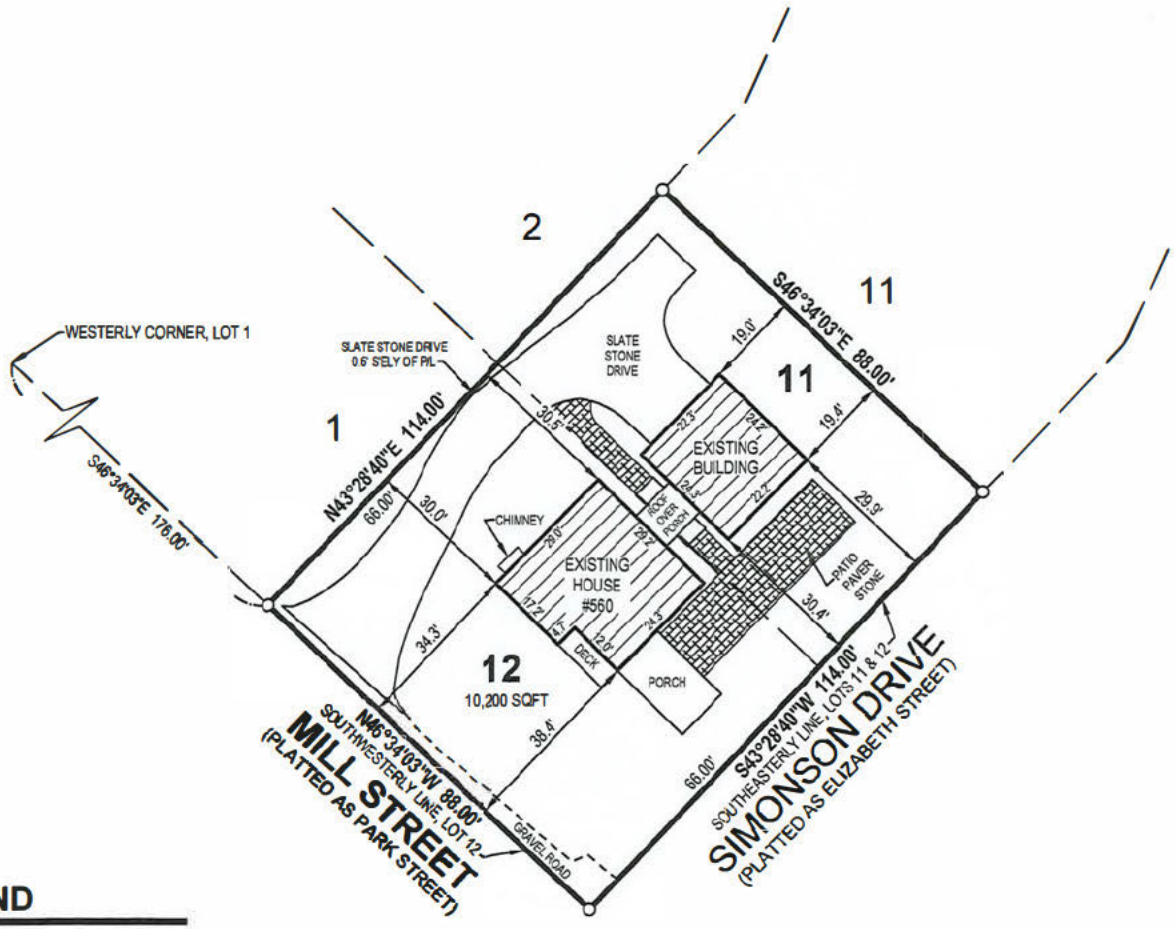
Street Cuts
Each street cut shall be at the applicant's expense with no cost to the City of Saugatuck. An escrow deposit for engineer monitoring and inspection costs shall be submitted in accordance with the City fee schedule. The unused remainder of the escrow deposit will be returned. If the deposit does not cover all costs and expenses of the City, the deficit shall be paid by the applicant. One week prior to initiating the work, contact the City's engineering firm (Fleis & Vandenbrink) via the contact information listed below to schedule the necessary inspections for your project.

Jon Moxey
Fleis & Vandenbrink
jmoxey@fveng.com
O: 616.977.1000 | D: 616.588.1925 | C: 616.262.8717

Curb Cuts
Curb cuts may require engineer inspection and monitoring. If monitoring and inspection is required, an escrow deposit will be required. No single curb cut shall exceed 25 feet, nor be less than ten feet at the street line nor less than eight feet at the outside sidewalk line. The minimum distance between any curb cut and a public crosswalk shall be five feet. The minimum distance between curb cuts, except those serving residential property, shall be 25 feet. The maximum number of lineal feet of sidewalk driveway crossings permitted for any lot, parcel of land, business or enterprise shall be 45% of the total abutting street frontage up to and including 200 lineal feet of street frontage plus 20% of the lineal feet of street frontage in excess of 200 feet. The necessary adjustments to utility poles, light standards, fire hydrants, catch basins, street or railway signs, signals or other public improvements or installations shall be accomplished without cost to the City. Driveways over sidewalk lines shall be of concrete at least six inches thick. Driveway aprons between the sidewalk and the street shall be of concrete six inches thick.

Temporary Encroachments
Items such as dumpsters and trailers must be visible to motorists and pedestrians by means of reflectors, cones, and/or barricades. They must be placed so as to not impede access to a fire hydrant or block or impair traffic flow in the street or a motorists' line of sight.

Miss Dig
The permittee must comply with the requirements of PA 53 of 1974, as amended. CALL MISS DIG AT 811 or (800) 482-7171 AT LEAST THREE (3) FULL WORKING DAYS, BUT NOT MORE THAN TWENTY-ONE (21) CALENDAR DAYS, BEFORE YOU START WORK. The permittee assumes all responsibility for damage to or interruption of underground utilities.



DESCRIPTION

Land Situated in the State of Michigan, County of Allegan, City of Saugatuck.

Lots 11 and 12, Block 1, Bandies Addition, according to the recorded plat in Liber 2 of Plats, Page 16, Allegan County Records, described as: Beginning at a point on the Southwesterly line of Lot 12, distant South 46 degrees 34 minutes 03 seconds East 176.00 feet from the Westerly corner of Lot 1 and proceeding thence North 43 degrees 28 minutes 40 seconds East 114.00 feet; thence South 46 degrees 34 minutes 03 seconds East 88.00 feet; thence South 43 degrees 28 minutes 40 seconds West 114.00 feet along the Southeasterly line of Lots 11 and 12; thence North 46 degrees 34 minutes 03 seconds West 88.00 feet along the Southwesterly line of Lot 12 to the point of beginning.

(Chicago Title, Commitment No. 031185213RTA, dated August 4, 2022)

SCHEDULE B - SECTION II NOTES

No survey matters to depict.

STATE OF MICHIGAN
Scott A Hendges
License No. 4001047953
LICENSED PROFESSIONAL SURVEYOR

By: Scott A. Hendges
Scott A. Hendges Licensed Professional Surveyor No. 4001047953

LEGEND

O	Iron - Found
▨	Existing Building

We hereby certify that we have examined the premises herein described, that the improvements are located entirely thereon as shown and that they do not encroach except as shown hereon.

This survey was made from the legal description shown above. The description should be compared with the Abstract of Title or Title Policy for accuracy, easements and exceptions.

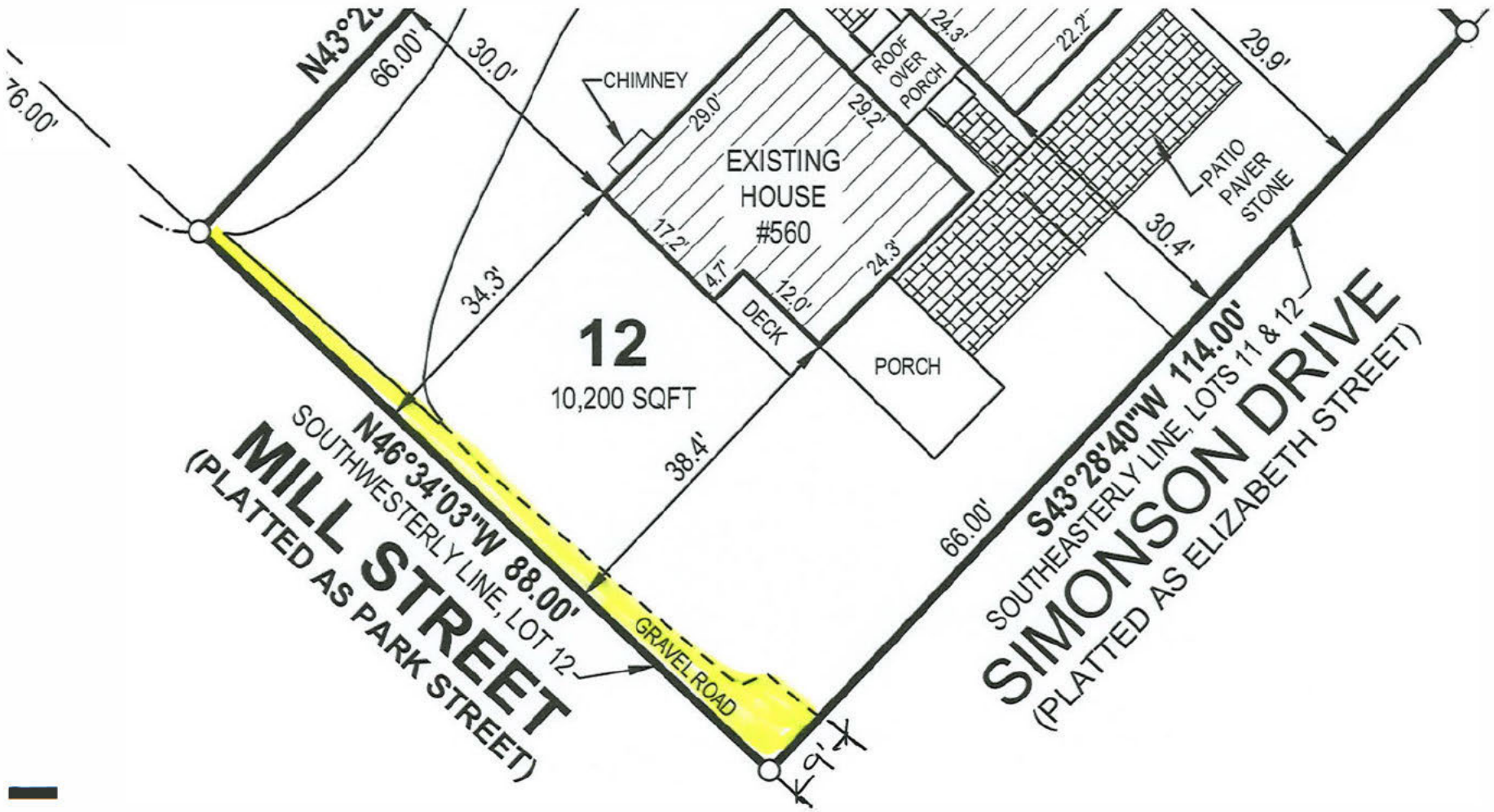
SCALE: 1" = 30' 0' 15' 30' NORTH

Beacon Sotheby's International Realty
Chad Van Horn
233 Butler Street
P.O. Box 217
Saugatuck, MI 49453

560 Mill Street

DRAWN BY: JR	DATE: 8.17.22	PRJ #: 22201317
REV. BY:	REV. DATE:	1 OF 1
REV.:		

NEDERVELD
www.nederveld.com • 800.222.1868
Holland
347 Hoover Blvd.
Holland, MI 49423
Ann Arbor, Chicago, Columbus, Grand Rapids, Indianapolis


N43°2
76.00'
66.00'
30.0'
CHIMNEY
29.0'
29.2'
ROOF OVER PORCH
24.3'
22.2'
29.9'
EXISTING HOUSE #560
17.2'
4.7'
12.0'
24.3'
DECK
PORCH
PATIO PAVER STONE
30.4'
34.3'
12
10,200 SQFT
38.4'
66.00'
N46°34'03"W 88.00'
SOUTHWESTERLY LINE, LOT 12
MILL STREET
(PLATTED AS PARK STREET)
GRAVEL ROAD
9'
S43°28'40"W 114.00'
SOUTHEASTERLY LINE, LOTS 11 & 12
SIMONSON DRIVE
(PLATTED AS ELIZABETH STREET)

ding

1st YEAR 2000

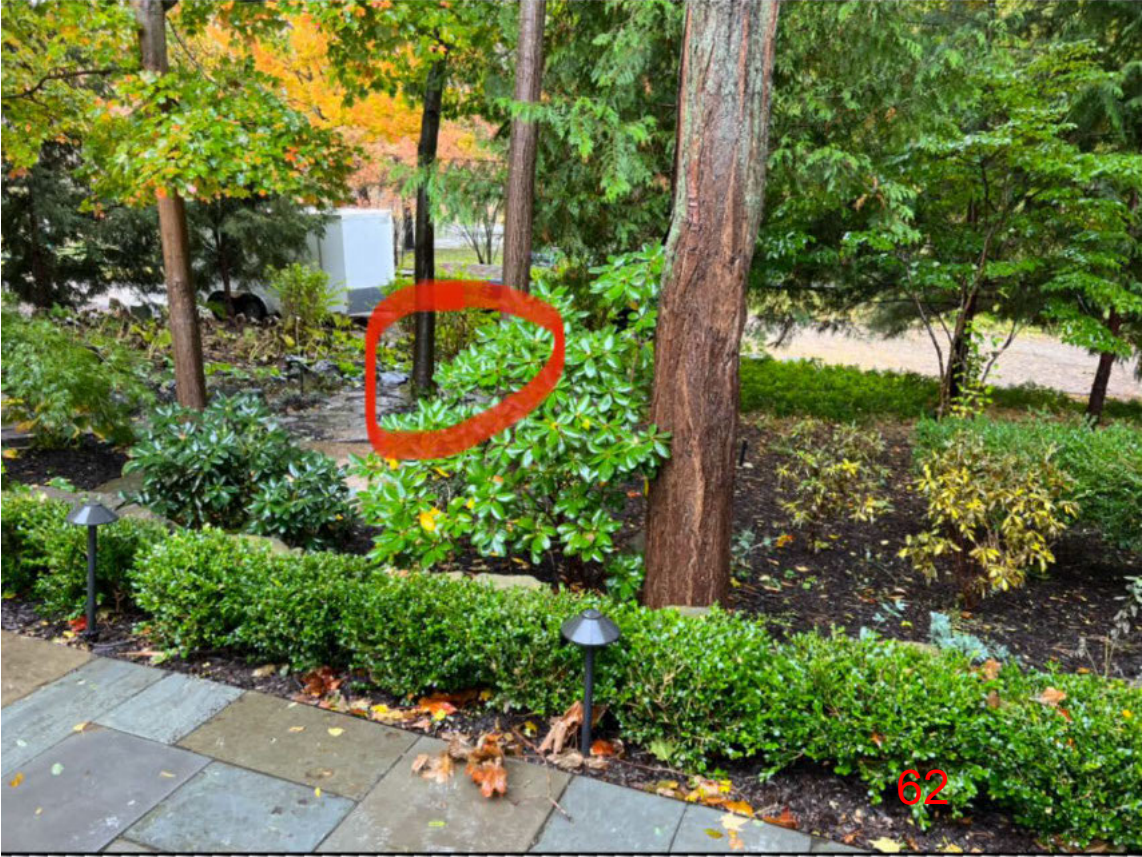
Mill St
560 MILL ST
57-051-ROW
Mill St
Simonson Dr
Simonson
Goshorn Creek
Mill St
Simonson Dr
SPEAR ST
Goshorn Creek
Goshorn Creek
Goshorn Creek
Goshorn Creek
Simonson Dr
2024
GIS MAP

90KR92
Remove?
8-29-2024

Remove?
8 29 2024

2004 SAME

61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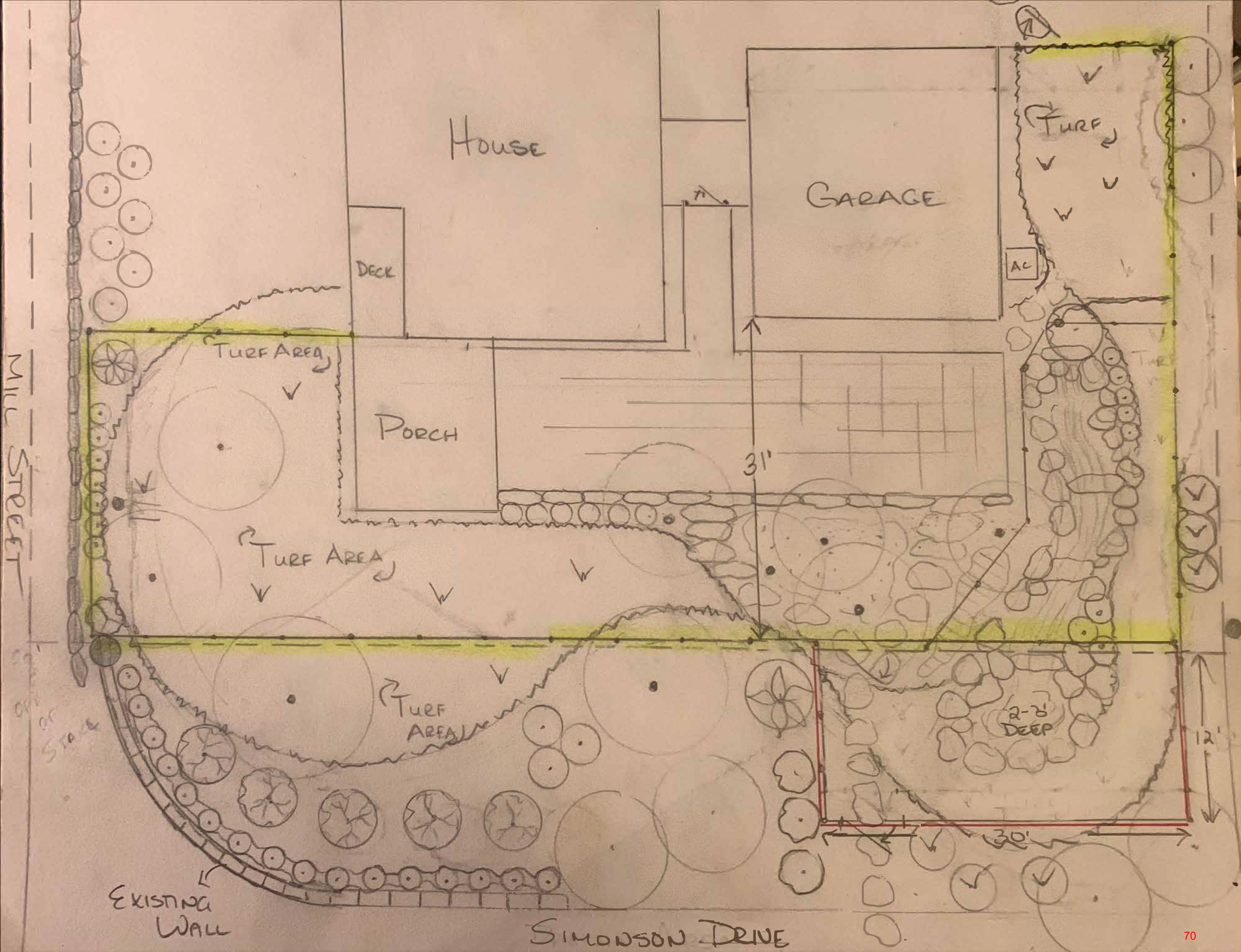
House
Garage
Turf
AC
Deck
Turf Area
Porch
31'
Turf Area
Turf Area
2-3' Deep
12'
30'
Existing Wall
Simonson Drive
Mill Street