

**SAUGATUCK TOWNSHIP PLANNING COMMISSION**

November 19, 2012

The Saugatuck Township Planning Commission held a special meeting on November 19, 2012, at the Laketown Township Hall on Bee Line Road, Holland, Michigan 49423.

Present: Conklin, Hanson, Harrison, Milauckas, Rausch, Rowe and Welk

Absent: None

Also present: Atty Bultje; Z. A. Ellingsen; Planner Sisson; James Bruinsma, Hank Byma and Stephen Neumer for Singapore Dunes LLC; members of the general public and of the press.

Chair Conklin called the meeting to order at 7:07 P.M. The agenda was amended as follows: Add No. 4. "Public comment;" strike "Continuation of Public Hearing" from the main topic concerning Singapore Dunes LLC since this a continuation of the discussion but not a public hearing (Bultje); and add at the end a discussion of whether multi-family dwelling units exceeding 4 are allowed in the R-2 and R-1 districts. Hanson made a motion to adopt the amended agenda and Rausch supported. Motion carried.

Minutes of the October 17 special meeting were amended as follows: Page 1, add "in the record" inside the parentheses in the next to last paragraph; Page 2, add "without Harrison on the Commission panel" to the first sentence in the next to last full paragraph; Page 4, change (4) of Milauckas questions to "Can lots for building units be clustered on lots less than 2-acres in size in critical dunes designated area of R-3B to preserve more open space pursuant to PUD application?;" and in the last paragraph, change "garage" to "storage building."

Harrison made a motion to include his letter dated November 19, which he read, into the minutes of the October 17 meeting. There was some discussion about how and where to put this, but it was pointed out that both letters are incorporated in the record with the appropriate minutes. Harrison seemed satisfied with that. No support, the motion died.

Rowe made a motion to approve the amended October 17 minutes, supported by Milauckas. Motion carried.

There was no general public comment. Harrison, being recused from the discussion of Singapore Dunes LLC, left the Commission panel.

Secretary Rausch read the notice for this meeting to consider Phase I of Singapore Dunes LLC published in the local newspaper.

Bruinsma explained that Singapore Dunes LLC was presenting the amended site plan dated November 8 of Phase I consisting of 25 single-family home sites each of two acres or more on approximately 81 acres, accompanied by his cover letter of November 13, the Master Deed and Bylaws dated November 12, a narrative describing the plan dated

November 12, and a letter of acknowledgement from the Superintendent of Schools. Bruinsma said the amended plan should satisfy questions and suggestions from the October 17 public hearing since the developers have followed the most restrictive requirements of the Critical Dunes of R-3B section of the Zoning Ordinance. He added that approval of the road to access Phase I is not included in this review because it must be considered separately and reviewed by the Zoning Administrator. The river front parking area would need SAU, but he said it is shown because they may ask for it later. Additional approvals will be necessary from various regulatory governmental agencies.

Byma projected on the wall photos of the plans showing natural features, wetlands, a review of which they have applied to the DEQ, the road entering from 135<sup>th</sup> Avenue, open space, etc. for all to see.

Sisson went over his memo of November 16 in which he listed all the county, state and federal regulatory agencies which must approve this amended plan, as well as the additional specific and supplementary zoning standards and requirements of the township which apply. He concluded that the project plans generally meet the plan content requirements for Preliminary Site Condominium Project Plans (Section 40-941) and Site Plan Review (Section 40-813). However, he recommended that the Planning Commission (1) further investigate plans for tree preservation to minimize the footprint of the street cross-section, (2) discuss further how individual building site impact on the critical dune may be minimized, (3) identify open space and general common element improvements proposed for trails, lighting and signs, (4) encourage applicant to adjust configuration of Units 17 and 18 to avoid wetland encroachment, (5) ask for the adjustment of the table on sheet 3.0 to account for the water front access parcel, (6) recognize that the common mooring without improvements is appropriate at this time, but that final authorization for its use as a common water front access facility with related improvements will need SAU, (7) refer plans for the fire protection water system to the Fire Department, and (8) require the applicant to address comments and deficiencies identified in the Master Deed and By-Law reviews.

Questions were raised about whether the seven regulatory agencies should be consulted before the PC makes a decision; should the discussion on the access road come first since it could be serving 129 units, not just the 25 on this application; what plans are there for giving 129 home owners access to Lake Michigan or the Kalamazoo River; are there limitations on vegetation removal during construction; should home owners be allowed to extend porches or decks into the adjacent common area as provided in the Master Deed.

After a brief recess, the meeting reconvened at 8:55 P.M. and Conklin opened the public comment period. (1) Dick Waskin, Heron Bay Rd., asked the PC to stick to what the Zoning Ordinance requires. (2) Janet Rund, 6127 Kingsway asked what ground cover there would be to keep the sand from covering drives, etc. (3) Lawrence Stern, Douglas, provided a letter dated November 19, and suggested requiring a performance bond and subsequent expansion plans of the applicant. (4) Shawn Seymour, LSL Planning, representing the Saugatuck Dunes Coastal Alliance, presented two documents dated November 16 and claimed that the plan should be submitted to outside agencies before

preliminary review, that the entire development should be submitted for preliminary site plan review, open space is inadequate if not providing public water and sewer, the “mooring” of boats is actually an offsite marina, additional access will be required by the Fire Department, accessory recreational uses are not included in the plan, there has been no application for a Critical Dune permit from the Township, building sites include 33% slope and wetlands which could be affected and there has been no SAU applications. He added he thought this should be a PUD project. (5) Patricia Denner said she wondered who would pay for the water and sewer infrastructure. Hanson said this plan calls for wells and septic systems, but any future public utilities would be paid for by the applicant. (6) David Swan, 345 Griffith, Saugatuck, maintained the DNR should be involved early in this discussion. (7) Scott Howard, attorney with Olson, Bzdok & Howard, representing the Saugatuck Dunes Coastal Alliance, provided a letter dated November 19, in which he maintained the open space is inadequate for a project with no public utilities, and what open space is provided is not protected in perpetuity from future encroachment. He suggested acquiring help from experts in the review of the plan to insure preservation of natural flora and fauna. (8) Marcia Perry, 6248 Blue Star Hwy., was concerned about too much pavement, what happens to the other road? (9) Dayle Harrison, 3108 62<sup>nd</sup> St., was concerned about the potential destruction of the habitat of native species. (10) Deedee Hanson, 63<sup>rd</sup> St., said she is in favor of property rights, but rules must be followed. (11) James Cook, 3507 64<sup>th</sup> St., suggested more information was necessary and the PC should not be hasty. (12) Laurie Goshorn, 3512 64<sup>th</sup> St., suggested a water study in preparation for wells and septic systems, pointing out that the Tri-Community Plan did not recommend them in this area, and lighting at a minimum.

Bruinsma responded that in the critical dunes overlay, Sec. 40-337, which overrides the Ordinances governing the R-3B District, there is no requirement for open space. He said the state amended the Critical Dune Law to say that environmental site assessments may not be required there, and local ordinances cannot be more restrictive than state law. He reminded the PC that it has not been its practice to insist on advice from other regulatory bodies before considering a preliminary plan. Plans have already been submitted showing the possibilities for build out of the entire property, so there is no mystery there.

Byma responded that dune grass was envisioned, rather than lawns, for ground cover, and counsel from the DEQ advised wells and septic systems for this area. Street plans have already been submitted to Z. A. Ellingsen and the Fire Department. Mooring boars along the seawall has been going on for a long time. Milauckas asked for a copy of the correspondence from the DEQ indicating that they preferred wells and septic systems and was told that this information came from a meeting. He also asked if there have been perk tests and was told NO. Hanson asked about conservation easements for the open areas, and Byma said they have not had that conversation in detail.

Neumer, project manager, elaborated on the possibilities for the “future expansion” areas, referring to the original plan for more vertical development before the ZBA for variances, and to the plan for 129 housing units. He emphasized that the market will determine what the future will hold. The Phase I area, the most valuable part of the property, is marketable, so that is where they will begin. He reminded the PC of all the preliminary

meetings to show the public the natural features of the property, adding that they have answered all the questions and are deserving of a vote by the PC. In reply to a question, he said they were not interested in a PUD for Phase I, that there would be plenty of open space, but the future marina area might use the PUD approach.

After some discussion of whether a PUD is required in the R-3B critical dune area, reference was made to Bultje's memorandum dated November 16, which stated "it appears clear from the language in subsection (c) (Sec. 40-337) that single family dwellings, household pets, and noncommercial recreational uses can be approved in the critical sand dune area of the Township without a planned unit development or a special approval use permit, as long as the **procedure** for approving any development or use in the critical sand dune area is the same procedure as is required for a planned unit development permit."

A question about access points to Lake Michigan and the river other than the passages between lots on the Lake front of 15 feet in width produced information about a walkway along the Lake from the north and along the river front breakwater. Milauckas pointed out that Art. XI, Sec. 10, in the Master Deed reserves the right of the developer to create additional easements for beach access to virtually all parts of the entire property. Bultje responded that they could reserve the right, but that didn't mean it would be allowed because Township Ordinances would govern the access.

In a discussion of the need for parking at the mooring area, Sisson suggested the developer create a future lot within the common area along the river front for parking and come back for SAU before using it. However, Byma said boat owners could just park on the hard surface left from the Broward Marine Company, which had a use variance.

Another question came up as to whether Sec. 40-337 applied to other zoning districts than R-3B and whether there are critical sand dunes in other areas of the Township, such as R-2. Bultje said he thought Sec. 40-337 could be interpreted to apply to other zones, but Bruinsma disagreed because he said this particular overlay district is in the R-3B.

Hanson voiced his concerns about the potential disturbance of the natural habitat during the grading and construction, referring to Sec. 40-816 (a) (2), but it was made clear that the Zoning Ordinances have no standards to apply to this issue.

Meeting adjourned at 11:30 P.M. Next meeting to be announced.

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Betty A. White, Recording Secretary

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Sandra Rausch, Secretary

### **MOTIONS**

1. Motion by Hanson/Rausch to adopt the amended agenda.
2. Motion by Harrison (unsupported) to incorporate his letter into the Oct. 17 minutes.
3. Motion by Rowe/Milauckas to approve amended minutes of October 17.

