

SAUGATUCK TOWNSHIP ZONING BOARD OF APPEALS

THURSDAY, October 11, 2012 5:00 p.m.
ST. PETER CATHOLIC CHURCH
100 ST. PETER DRIVE, DOUGLAS, MICHIGAN 49406

MINUTES

Chairman Shawn Powers called the meeting to order at 5:00 p.m.

Members present: Shawn Powers, Bill Rowe & Mark Putnam.

Also present: Zoning Administrator Al Ellingsen, Saugatuck Township Attorney Ron Bultje, Saugatuck Township Planner Mark Sisson, Singapore Dunes Attorney James Bruinsma, Singapore Dunes Project Manager Stephen Neumer, Singapore Dunes Architect Henry Byma and various members of the general public.

Z.A. Ellingsen read the Agenda section in the Rules of Procedure in the Saugatuck Township Zoning Board of Appeals policy. Z.A. Ellingsen read the 5 criteria's of finding the facts for approval or denial of a variance request for dimensional variances. These have to be answered with an affirmative.

Powers read the notice from the paper.

One hearing was scheduled:

Specifically, the variance and interpretation requests are as follows:

- (1) A use variance from Section 40-272 of the Zoning Chapter to allow for the construction of a 25-suite hotel with common areas, meeting rooms, space for food and alcoholic and non-alcoholic beverage service, fitness and spa, chandlery and general retail space for residents and guests, and space for operation, service, and maintenance of the facility in proportion to the number of guest units or suites (the Hotel);
- (2) A dimensional variance from Section 40-276 of the Zoning Chapter to allow for the construction of three multi-family buildings up to 64 feet above grade level;
- (3) A dimensional variance from Section 40-276 of the Zoning Chapter to allow one third of the total area of the building footprint occupied by the Hotel to be up to 90 feet above grade level, and the remainder of the total area of the building footprint occupied by the Hotel to be up to 45 feet above grade level;
- (4) A dimensional variance from Section 40-276 and Section 40-333 of the Zoning Chapter to allow the construction of four single-family or duplex homes up to 45 feet above grade level;
- (5) If determined by the ZBA not to be already permitted as an accessory use under Section 40-272(11) and Section 40-329(k) of the Zoning Chapter, a use variance from Section 40-272 and Section 40-329 in connection with the operation of 9-hole walking golf course to allow a pro shop and food and beverage service in proportion to and for the purpose of servicing members and guests of a golf course to be constructed on the property (any such facilities to be located within the Hotel);
- (6) If determined by the ZBA not to be already permitted as an accessory use under Section 40-272(11) of the Zoning Chapter, a use variance from Section 40-272 to allow service facilities and an above-ground fuel holding tank solely for the use of owners, residents, and guests of the private marina; and
- (7) Interpretations by the ZBA of the Zoning Chapter, specifically but not only pertaining to the Zoning Chapter Sections cited above, as such interpretations come to the attention of the ZBA as it deals with the above issues.

The land subject to the requested variances and interpretations is located generally east of Lake Michigan and north of the Kalamazoo River. A diagram of the property and its various legal descriptions are available at the

Township Hall, 3461 Blue Star Memorial Highway, Saugatuck, Michigan 49453 (telephone: 269-857-7721).
The property includes the following parcel tax identification numbers:

TAX IDENTIFICATION TAX IDENTIFICATION

#03-20-004-007-00	#03-20-003-051-10
#03-20-004-006-00	#03-20-003-051-20
#03-20-004-002-00	#03-20-003-050-00
#03-20-004-001-00	#03-20-003-050-60
#03-20-003-054-00	#03-20-003-049-00
#03-20-004-005-00	#03-20-003-049-10
#03-20-004-003-20	#03-20-003-048-00
#03-20-003-050-50	#03-20-003-045-10
#03-20-003-052-00	#03-20-003-047-00
#03-20-003-051-00	#03-20-003-049-20

Written comments will be received at the Township Hall on any day of the week except Saturdays, Sundays and holidays, between the hours of 8:00 a.m. and 12:00 noon and 1:00 p.m. and 4:00 p.m. Disabled persons requiring auxiliary aids or services should so notify the Township by contacting the Township Clerk at the Township Hall at least seven days before the public hearing.

Singapore Dunes Attorney, Jim Bruinsma explained why Singapore Dunes was at the Zoning Board of Appeals. He stated they were required to file the application within 90 days from the date of settlement agreement. Singapore Dunes brought the design concept they had presented earlier this year. Bruinsma stated he believed the township saw an opportunity to preserve the land and to concentrate on the footprint of the land that was previously reserved and to get rid of the use variance that had already been on the land (Industrial and Commercial Use). Also to open the private land to be viable for some public use. Bruinsma stated there is no other way to achieve a mixed use design as proposed except through a variance process.

Attorney Bruinsma stated that it was suggested that the land owner rezone to Commercial. Bruinsma explained that Commercial Use would not allow water front usage and if they rezoned and opened up the entire parcel to Commercial Use that would not make sense if you're only looking to construct a hotel in one particular spot. The land owner does not want to rezone the 50 acre parcel to Commercial. Rezoning the parcel would not accomplish what the land owner wants to do.

Attorney Bruinsma stated that it's been brought to their attention that they want special treatment from the ZBA. Bruinsma brought up the history that the ZBA has granted variances in that area such as Pine Trail Camp, Ox-Bow, Ken Denison and Frank Denison and also the Dune Schooner that is adjacent to Singapore Dunes that operates as a non-conforming use.

Attorney Bruinsma read the Michigan Enabling Act; Sec. 604. (7) If there are practical difficulties for nonuse variances as provided in subsection (8) or unnecessary hardship for use variances as provided in subsection (9) in the way of carrying out the strict letter of the zoning ordinance, the zoning board of appeals may grant a variance in accordance with this section, so that the spirit of the zoning ordinance is observed, public safety secured, and substantial justice done. Which the township has adopted a series of questions that they use to make the analysis to answer if there are practical difficulties or unnecessary hardships.

Attorney Bruinsma talked about if the land can be reasonable used as zoned. Singapore Dunes submitted an application to the Planning Commission for a site condominium. The economic factor is that Singapore Dunes has a valuable asset for private use and how they can transform it for public use.

Land Planner, Henry Byma from Smith Group JJR, showed the audience a power point presentation regarding the project that has been submitted to the ZBA. He pointed out in all directions on how the parcel would be developed. Byma showed topography of the parcel being developed. Byma than went over the variances being brought to the ZBA:

Two of the Condominium buildings would be 16 units each and the third would be a 24 unit building which would all need a dimensional variance. The buildings would be 64 feet above grade level. A total of 56 units. These buildings would extend 29' beyond the permitted maximum. The three condominiums would have 4 floors plus a parking level.

Planner Byma pointed out the construction of four single family or duplex homes up to 45 feet above grade level which would also need a dimensional variance. These homes would extend the height by 10' above the permitted maximum. These homes would sit behind the dunes of the Lake Michigan shoreline. Their intention is to keep the vegetation along the slopes of the dunes.

A use variance would be needed for the 25 Suite Condominium Hotel. The construction of the Hotel would include a restaurant/bar area, which would be open to the public. One-third of the total area of the Hotel would be up to 90 feet above grade level, which would be the middle part of the hotel and where also an observation tower would be constructed. The remainder of the total area of the hotel would be 45 feet above grade level which would need a dimensional variance. This hotel would extend 55' beyond permitted maximum and would have 7 floors.

The development is approximately 310 acres. The Board asked Byma to explain the 80% open space and also what the comparison is between the two plans when it comes to open space. Byma responded it would be approximately 42% open space for the plans being submitted to the Planning Commission. Byma stated that calculations would be different if the parcels are different acre lots and what would be owned by the association. Bruinsma stated the Zoning Ordinance has different open space requirements. Bruinsma stated he would get those figures and report back with them. Putnam asked if the golf course was considered open space and Byma said it is.

Chairperson Powers requested that Singapore Dunes bring back a calculation for the open space for both plans that were submitted to the ZBA and the Planning Commission.

Bruinsma stated that Singapore Dunes is only at the ZBA for a height & use variance and that they would have to go in front of the Planning Commission for the multi-use. Golf course and the single family homes all need special use which would go in front of the Planning Commission.

Chairperson Powers asked Bruinsma to walk through the steps for what entails with this project. Bruinsma stated the variances are the first step which that is being discussed tonight. Then they would go in front of the Planning Commission regarding the marina, golf course and the homes. This would be a combination of a Special Approval Use, Planned Unit Development or a Site Condominium. Singapore Dunes would have to get a permit from the Michigan Department of Environmental Quality for the critical dunes and for creating roads and also the work regarding the marina. Singapore Dunes would have to get permission from The Army Corps of Engineers for work along the river and any work relating to the marina. Also the Allegan County Drain Commission & Health Dept. regarding sewer and water.

Chairperson Powers called the meeting to public comment.

Public Comment:

RJ Peterson, 116 Riverside Dr. Saugatuck township, is in favor of the variances. Believes that the marina would generate revenue to maintain the depth of the harbor. And also in rebuilding the breakwater in part of the channel. Peterson stated the public viewing area of the hotel would be the only handicap assessable place you could go and over look to Lake Michigan and the critical dunes area.

James Schmiechen, 325 Water St. Douglas, read and submitted a letter to the board. Schmiechen stated that a letter was sent to the Director of the Midwest Office of the National Trust for Historic Preservation from Stephen Neumer. Schmiechen said Neumer's letter stated that Singapore Dunes property was "environmentally sensitive and historically reverent". Which Schmiechen felt it was either a joke on the community history or an intended insult. Schmiechen is concerned about the use and height variances. He recommends the best use for this parcel is to have no development and to establish it as historic zone.

Norman & Connie Deam, Saugatuck Lighthouse property & co-owner at 3463 Park St., Saugatuck township, James Schmiechen read and submitted Deam's letter to the board. Deam is asking the ZBA to deny all the variances, he feels it will have a harmful effect on the use and enjoyment of their home. He feels that Singapore Dunes does not meet the requirement for the variances.

David Swan, 345 Griffith, Saugatuck, read and submitted his letter and other study materials. Swan feels that the hotel with the restaurant and bar would disrupt the balance of the Tri-Community lakefront. Swan stated that it would be an inappropriate development on the lakeshore. He is requesting that the board denies the variance requests and uphold the good public policy. Mr. Swan submitted several lengthy studies regarding the dune area, flora and fauna.

John Helmrich, 3522 64th St. Saugatuck township, asked how many homes would be built. Bruinsma answered 32 single family dwellings would be built, plus the one existing single family dwelling, for a total of 33.

Scott Howard, Olson Bzdok & Howard, Traverse City, MI., Attorney representing the Saugatuck Dunes Coastal Alliance, submitted a letter to the board, he is requesting that the ZBA deny the variances. He stated that the Singapore Dunes is asking for a rezoning rather than a variance and that the requested variances fail to meet the standard in the Township's Ordinance and Michigan law.

Laurence Stern, 345 Griffith, Douglas, owns land in Saugatuck township, Stated that there is a reasonable alternative use.

Shawn Seymore, LSL Planning Inc., Grand Rapids, MI., representing the Saugatuck Dunes Coastal Alliance. Submitted a letter and states that Singapore Dunes cannot meet any of the standards that supports the "unnecessary hardship" test.

Amanda Reintjes, Michigan Historic Preservation Network, Lansing, MI., submitted a letter and stated that the ZBA should deny the variances because it would alter the historic character and authenticity of the area.

Steve McKown, 2845 Lake Breeze Dr., Saugatuck township, Attorney McKown submitted a letter and recommended that the ZBA deny the variances because the applicant has conceded that the property can reasonably be used for purposes permitted in the applicable zoning districts.

Joe Milauckas, 2887 Lake Shore Dr., Saugatuck township, requested that the ZBA release all correspondence that came from the township attorney, Ron Bultje regarding this project.

Marcia Perry, 6248 Blue Star Hwy, Laketown township, submitted a letter and questioned the presentation and thought it was misleading.

Dr. Michael Condron & Patricia Denner, 3455 Clearbrook Dr. Saugatuck township, submitted a letter asking the ZBA to treat this request for variances in the same manner as you would a similar request submitted by any other property owner.

Jane Underwood, representing Kay Smalley, 3423.5 Park St., Saugatuck township, read letter stating that she opposes the variances and said that it would increase boat traffic, light & noise pollution.

Lesa Werme, 671 Spear St., Saugatuck, opposes the development.

James Cook, 3507 64th St., Saugatuck township, opposes the development.

Cynthia McKean, 3498 Riverside Dr., Saugatuck township, read her letter which she states that she has 16 years of planning and zoning experience. She mentioned that the applicant's proposal before the Planning Commission complies with the existing zoning ordinance and that there is no need to go before the ZBA.

Larry Dickie, 6108 Old Allegan Rd., Saugatuck township, submitted a letter to the board in representing the Kalamazoo River Protection Association. They believe that the applicant has not demonstrated that a hardship exists that was not self-created. And that Singapore Dunes has indicated that other viable plans for the property exist.

Keith Charak, 938 Center St., Douglas, owner of Sherwood Forest Bed & Breakfast, submitted letter from other lodging establishments. They urge the ZBA to reject the use and dimensional variances; they believe it does not need variances to use its property.

Suzanne Dixon, 797 Center St., Douglas, submitted a letter that the development would have a serious impact on water quality and the natural shoreline features.

Karen Holt, Ada township, is dedicated to animal welfare and opposes the variances.

Rachael Hood, Grand Rapids, West Michigan Environmental Action Council, non-profit organization working to protect and enhance West Michigan's natural and human environments by translating the concerns of people into positive action. She previously submitted a letter opposed to the application.

Other letters that were submitted:

Peter G Murphy, Professor Emeritus, M.S.U. Distinguished Faculty, believes the proposed development is inconsistent with the public interest and the natural ecosystems.

Mary Schmidt, 6673 Sunset Concourse, Laketown township, concerned about the equestrian center being close to the beaches and public parks.

George Brown, 6513 Goshorn Way, Saugatuck township, is in support for the plan requested by Saugatuck Dunes but is concerned about the intersection at Blue Star Hwy, 65th St. and 135th Ave.

Christine O'Brien, Allen Family Trust, 66th St. vacant Saugatuck township, supports the approval of the variances requested by Singapore Dunes.

Saugatuck City Council, Saugatuck, request the ZBA to deny the variances that would allow commercial activity on the property that is not compatible with neighboring properties, Township Zoning Code and the Tri-Community Master Plan.

Sheldon Wettack, President of the Douglas Lakeshore Association, Concerns on the variances. Wants the proposed variances be separated and each given a public hearing.

Charles Glane, 3412 Maple Gate Dr. Saugatuck township, concerned citizen.

Byran R. Walters, Varnum Attorney at Law, Clients of Paul McEnroe, Roy & Carol Mcilwaine, Frances Voris Meyers, Diane Bily, Katherine Wallace, concerned citizens regarding the use and dimensional variances.

Mary Ann Glane, 3412 Maple Gate Dr. Saugatuck township, concerned citizen regarding the zoning.

John F. Will, Wyoming, MI., Former President, Natural Areas Conservancy of West MI., concerned on the ecosystem.

Bill Bleeker, Agrees on development but not this plan.

Bill & Margaret Harrison, 6820 Dale Ct., Saugatuck township, recommends that Singapore Dunes be required to go through the same steps as other public zoning processes in order to give the community an opportunity to thoroughly discuss and review the full plan.

Mark Luttenton, Coopersville, MI., sent in a report on assessment of Impacts to Wetlands, Uplands, and the Kalamazoo River Associated with a Proposed Development Site: Singapore Dunes, Allegan County Michigan, Oct. 3, 12.

Multiple people submitted a letter which was a template opposing the variances requested by Singapore Dunes. Carolyn Heines, 1428 Byron SE., Grand Rapids, MI 499506, Marjorie Yost, 335 Lyon St. NE, Grand Rapids, MI 49503, Rhonda Lubberts, 3510 Reeds Lake Blvd SE, Grand Rapids, MI 49506, Rebecca Karsten, 8597 Eldora Dr., Bryon Center, MI 49315, Judy Levick, 6463 Channing Ct. SE, Ada, MI 49301, Karis Roper, 3201 Burton SE, Grand Rapids, MI 49546, Rev. William Lyons, 325 Lenora Ave., NW, Grand Rapids, MI 49504, Lauren Verstraete, 1211 Griggs SE, Grand Rapids, MI 49507, Norma Blanchard, 80 John Ball PK Dr. NW, Grand Rapids, MI 49504, Sarah Reding, 1811 W. C. Ave. Kalamazoo, MI 49009, Peter Spring, 36 Benjamin SE, Grand Rapids, MI 49506, Jennie Stephenson, 10789 Thornberry Way, Zeeland, MI 49464, Ivy Moser, PO Box 8524, Holland, MI 49422, Ken Schmidt, 39 Union SE, Grand Rapids, MI 49503, Amy Strand, 651 Gladstone Dr. SE, Grand Rapids, MI 49506, Georgia Richards, 3090 Woodbridge Dr. SE Apt. 201, Kentwood, MI 49512, Linda Prostko, PO Box 54, Caledonia, MI 49316, Carol Parsaca, 2426 Longmeadow St. NW, Grand Rapids, MI 49504,

Attorney Bruinsma asked the board if he could have time to look at the new material that was presented tonight. He did state that their materials have been made to the public for 45 days on their website and also the township's website. He also stated that the township board agreed in the settlement agreement that Singapore Dunes would go in front of the ZBA first. He also wanted to say that various speakers mentioned that Singapore Dunes did not go through all the questions on the application. Bruinsma stated that he didn't attend to orally go

over each question because of the time being limited, but would provide the ZBA any other information if need be.

Rowe made a motion, supported by Putnam, to close the public portion of the hearing. Carried unanimously.

Rowe made a motion to reconvene to the next meeting no sooner than 2 weeks and no later than 3 weeks from tonight with a response from the applicant to provide the material requested from the ZBA by next Friday, 10/19/12. Putnam supported and the motion carried unanimously.

Attorney Bultje stated we need to post the next meeting 18 hours in advance following the open meetings act because the public hearing has been closed.

There being no further business meeting adjourned at 8:16 p.m. Next meeting to be announced.

Lori Babinski, Recording Secretary