

SAUGATUCK TOWNSHIP ZONING BOARD OF APPEALS

**TUESDAY, October 30, 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, and various members of the general public.

Approval of minutes: **Motion by Putnam, seconded by Rowe to approve the minutes of October 4, 2012.**

Approval of minutes: **Motion by Rowe, seconded by Putman to approve the minutes of October 11, 2012.**

A Special hearing meeting was scheduled for discussion and deliberation by the ZBA regarding the comments and information received at the public hearing on October 11, 2012.

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

The applications and all other pertinent information may be viewed at the Township Hall during regular business hours. The meeting will comply with the Open Meetings Act.

Chairperson Powers opened up the public meeting.

Singapore Dunes Attorney James Bruinsma is asking for a special request. Mr. Bruinsma wanted to address a question that was brought up at the last meeting that the ZBA had to accept the variances as is or if it could be modified. An applicant is entitled to have their decision on the application presented as denied or approved. Instead of Singapore Dunes going through that procedure they would consider

modification to the proposal. The settlement agreement states specific types of variances that must be requested in detail be brought to the ZBA. Bruinsma told the Planning Commission that Singapore Dunes are open for other alternatives. Singapore Dunes wants to focus on a first phase of residential development on the property that would come before the Planning Commission as part of a site condominium. This would not require any variances or any other special approval of any kind. This first phase would exclusively be under the zoning ordinance code. Mr. Bruinsma stated that if they get the first phase of the development approved before the Planning Commission then the variances would change before the ZBA. Depending on what the Planning Commission approves there may be no need for any variances. Mr. Bruinsma stated that Singapore Dunes had an obligation to file an application before the ZBA because of the settlement agreement. Mr. Bruinsma is asking the ZBA to table and to allow Singapore Dunes to finish the first phase of the development in front of the Planning Commission. The Singapore Dunes would then, if necessary come before the ZBA to modify a lesser deviation from restrictions of the zoning ordinance. Mr. Bruinsma stated that there has been a public hearing with the Planning Commission and that they made changes to phase 1. Because of the settlement agreement, Singapore Dunes wants to work through the requirements with in, without having to follow any expectations of the township board.

Putnam asked Bruinsma if all 7 variances that were requested were stated in the settlement agreement. Bruinsma stated that the settlement agreement conforms to the design plan that was attached to the exhibit. These requests are specified by height and location in the settlement agreement. Bruinsma stated that by having these public hearings, Singapore Dunes is than getting input from the ZBA and the Planning Commission board.

Attorney Bultje stated that the settlement agreement was negotiated between the township and the developer. The township board met with the Planning Commission and was discussed that it should be considered that there should be more open space and more concentrating development than one could be done by the zoning ordinance. Bultje suggestion is to table the variances, why increase controversy and potential cost.

Motion by Rowe, seconded by Putnam to table the applicant's request. Carried Unanimously.

Chairperson Powers called the meeting to public comment.

Public Comment:

Jane Dickie, 6180 Old Allegan Rd. Questioning Bill Rowe's position being able to sit on the Planning Commission board. She thought if it was appealed that person could not sit on the other board.

Z. Ellingsen stated that material was submitted after the close of the public hearing, therefore the ZBA does not have to review that material. Those documents from LSL Planning and Scott Howard will be kept in the master file.

Dayle Harrison, 3108 62nd St. Question about the change in the project, would it require another public notice? Bultje responded that there has been no change yet brought in front of the ZBA.

Joe Milauckas, 2887 Lakeshore Dr., wants clarification regarding Bill Rowe sitting on both boards for the Singapore project. Bultje stated that these are two different issues. ZBA variance proceeding and the Planning Commission is for a site condominium application. And also two different plans. If the Singapore Dunes appeals a Planning Commission decision to the ZBA than Bill Rowe would have to sit out.

Keith Charak, feels Rowe should recuse himself because he is deciding on the same issue. Bultje replied that the law does not look at it that way.

Chairperson Powers closed the floor for public comment.

Discussion took place on the upcoming meeting.

There being no further business meeting adjourned at 5:30 pm

Lori Babinski, Recording Secretary