City of Saugatuck
EST. 1868

Planning Commission Meeting
May 19, 2016 - City Hall
102 Butler Street, Saugatuck, MI
7:00 PM

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1. **Call to Order/Roll Call:**
2. **Approval of Agenda:**
3. **Approval of Minutes:**
4. **Public Comment on Agenda Items:** Limit 3 minutes
5. **Old Business:**
   a. Remove from the table a Special Land Use for Minor Waterfront Construction 03-57-009-054-00 (Park Street near Bliss) Public Hearing was closed on November 19, 2015.
6. **New Business:**
   a. Public Hearing on Rezoning Request at 248 Mason Street from R-4 Center Residential to C-1 City Center
   b. Discussion of reducing the off street parking requirements for Bed and Breakfast Establishments
7. **Communications**:
8. **Reports of Officers and Committees:**
9. **Public Comments:** Limit 3 minutes
10. **Adjournment**

***Public Hearing Procedure**

A. Hearing is called to order by the Chair
B. Summary by the Zoning Administrator
C. Presentation by the Applicant
D. Public comment regarding the application
   1) Participants shall identify themselves by name and address
   2) Comments/Questions shall be addressed to the Chair
   3) Comments/Questions shall be limited to five minutes
   1. Supporting comments (audience and letters)
   2. Opposing comments (audience and letters)
   3. General comments (audience and letters)
   4. Repeat comment opportunity (Supporting, Opposing, General)
E. Public comment portion closed by the Chair
F. Commission deliberation
G. Commission action

MEMORANDUM

TO: Planning Commission
City of Saugatuck

FROM: Cindy Osman
Zoning Administrator

DATE: May 19, 2016 PC Meeting

RE: Application 15-073; Park Street SLU and Minor Waterfront Construction
This is the same report you saw in November 2015, changes in CAPITAL LETTERS.

Proposed Use: The applicant is proposing 6 boat slips and a bath house to be used by adjacent property owners. All DEQ permits for the proposed development are included in your packet.

Completeness of Submittal: All requested materials have been submitted.

§ 154.082 SLU STANDARDS.

(A) Before any special land use permit is granted, the Planning Commission shall make findings of fact based upon competent evidence certifying compliance with the specific regulations governing individual special land uses and, in addition, ensure that the following general standards have been met. Each proposed special land use shall:

(1) In location, size, height and intensity of the principal and/or accessory operations, be compatible with the size, type and kind of buildings, uses and structures in the vicinity and on adjacent property;

Comment: The use is consistent with uses on the Kalamazoo River/Kalamazoo lake frontage.

(2) Be consistent with and promote the intent and purpose of this chapter;

Comment: The proposed use is consistent with the intent and purpose of this chapter.

(3) Be compatible with the natural environment and conserve natural resources and energy;

Comment: The proposed use will be compatible to the natural environment.

(4) Be consistent with existing and future capabilities of public services and facilities affected by the proposed use;

Comment: The proposed use will be consistent with existing public services.

(5) Protect the public health, safety and welfare as well as the social and economic well-being of those who will use the land use or activity, residents, businesses and landowners immediately adjacent and the city as a whole;

Comment: The PC should take a close look at parking and ingress and egress of the project as it will essentially be on the shoulder of a road that is highly traveled during peak tourist seasons.

(6) Not create any hazards arising from storage and use of inflammable fluids;

Comment: No fluids are proposed to be stored on the site and I feel the PC should make a motion that no flammable liquids are stored on site as a condition of approval.

(7) Not be in conflict with convenient, safe and normal vehicular and pedestrian traffic routes, flows, intersections and general character and intensity of development. In particular:

(a) The property shall be easily accessible to fire and police; and

Comment: The parcel will be easily accessed by fire and police due to its close proximity to Park St.

(b) Not create or add to any hazardous traffic condition.

Comment: The applicant has provided a parking plan. Addition of the small traffic island should be discussed at the meeting. **THE APPLICANT HAS ALSO PROVIDED A NEW ALTERNATE PARKING PLAN (MAY 2016).**

(8) Be of such a design and impact that the location and height of buildings, the location, nature and height of walls, fences and the nature and extent of landscaping on the site shall not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;

Comment: This standard is met.

(9) That in the nature, location, size and site layout of the use, be a harmonious part of the district in which it is situated taking into account, among other things, prevailing shopping habits, convenience of access by prospective patrons, the physical and economic relationship of one type of use to another and characteristic groupings of uses of the district; and

Comment: This standard is met.

(10) That in the location, size, intensity and site layout be such that operations will not be objectionable to nearby dwellings, by reason of noise, fumes, pollution, vibration, litter, refuse, glare or flash of lights to an extent which is greater than would be operations of any use permitted by right for that district within which the special land use is proposed to be located.

Comment: This is a private facility; I feel it will be harmonious with the surrounding uses.

Section 154.092

(D) *Marinas.*

(2) *Minor construction.*

(a) Pier construction shall comply with all appropriate local, state and federal regulations and §§ 154.200 through 154.207 of this chapter.

(b) Site uses may include:

1. Facilities for the berthing, launching, and handling of recreational boats and commercial boats.

2. Accessory structures for storage, shower and lavatory facilities and refuse containers. Screening of latter from the roadway shall be required pursuant to the requirements of § 154.142.

3. Parking in compliance with § 154.130*et seq.*

4. Recreation facilities such as picnic areas, playgrounds, intended for use by the boating public only.

(c) Maximum site size shall be 17,423 square feet with a maximum 131 feet of road frontage.

(d) Buildings shall be set back at least 20 feet from the roadway and ten feet from property lines.

(e) Shorelines shall be stabilized with an approved suitable material to prevent erosion.

(f) This district shall not include retail or commercial uses other than the berthing of boats.

Comment: SINCE THE ORIGINAL APPLICATION WE HAVE RECEIVED A WRITTEN LEGAL OPINION THAT THE PROPOSED DEVELOPMENT IS A MINOR WATERFRONT CONSTRUCTION.

Recommendation: I hereby move to (*approve/deny*) the special land use and MINOR Waterfront Construction request for application 15-073 for Park St. to construct 6 boat slips and a boat house, finding that the request (*meets/ does not*) meet the standards listed in Section 154.082 (Special Land Use) and Section 154.092 Minor Waterfront Construction), and the C-4 Resort District zoning regulations as listed in Section 154.037 of the Zoning Code, conditioned upon the following:

List conditions/no conditions:

Saugatuck

Special Land Use Application

LOCATION INFORMATION **APPLICATION NUMBER** ____ - _____

Address Park St Parcel Number 03-57-009-066-10

APPLICANTS INFORMATION

Name Dave Barker Address / PO Box 2721 Arbor Chase

City Grand Rapids NE State MI Zip 49525 Phone 650-400-7675

Interest In Project Agent E-Mail djb888@comcast.net

Signature _____ Date 10/15/15

OWNERS INFORMATION (IF DIFFERENT FROM APPLICANTS)

Name Dune Ridge SA LP, Paul Heule (GP) Address / PO Box 231 W Fulton

City Grand Rapids State MI Zip 49503 Phone 616-530-5500

I hereby authorize that the applicant as listed above is authorized to make this application for proposed work as my agent and we agree to conform to all applicable laws and regulations of the City of Saugatuck. I additionally grant City of Saugatuck staff or authorized representatives thereof access to the property to inspect conditions, before, during, and after the proposed work is completed.

Signature _____ Its president of the GP Date 10/15/15

CONTRACTORS/ DEVELOPERS INFORMATION (UNLESS PROPOSED WORK IS TO BE DONE BY THE PROPERTY OWNER)

Name _____ Contact Name _____

Address / PO Box _____ City _____

State _____ Zip _____ Phone _____ Fax _____

License Number _____ Expiration Date _____

PROPERTY INFORMATION

Depth 40 Width 130 Size 0.11 Acres Zoning District C4 Current Use Vacant

Check all that apply:

Waterfront X Historic District ____ Dunes ____ Vacant X

PROJECT DESCRIPTION (ATTACH MORE SHEETS IF NECESSARY)

Construction of 6 boat slips and appurtenant structures per attached MDEQ Permit No 14-03-0032-P

Special Land Use Application

Application # ___ - _____

SITE PLAN REQUIREMENTS (SECTION 154.061)

A) Applications for preliminary site plan approval shall consist of the following information unless waived by the Zoning Administrator.

Y	N	NA	
☐	☐	☐	Property dimensions
☐	☐	☐	Significant vegetation
☐	☐	☐	Water courses and water bodies, including human-made surface drainage ways
☐	☐	☐	Existing public right-of-way, pavements and/or private easements
☐	☐	☐	Existing and proposed uses, buildings, structures and parking areas
☐	☐	☐	Zoning classification of abutting properties
☐	☐	☐	The name, address and telephone number of the person and firm who prepared the site plan, and the date on which it was prepared
☐	☐	☐	A north arrow

B) Applications for final site plan approval shall consist of the following information unless waived by the Zoning Administrator. Twelve reproducible copies of a final site plan, at a scale of not less than one inch equals ten feet, shall include:

Y	N	NA	
☐	☐	☐	Dimensions of property of the total site area,
☐	☐	☐	Contours at 2-foot intervals
☐	☐	☐	Locations of all buildings
☐	☐	☐	Other structures on adjacent properties within 100 feet of the property, including those located across the street from the property
☐	☐	☐	Parking areas
☐	☐	☐	Driveways
☐	☐	☐	Required and proposed building setbacks
☐	☐	☐	Location of abutting streets and proposed alignment of streets, drives and easements serving the development, including existing rights-of-way and pavement widths;
☐	☐	☐	Location, screening, dimensions and heights of proposed buildings and structures, such as trash receptacles, utility pads and the like, including accessory buildings and uses, and the intended uses thereof. Rooftop or outdoor appurtenances should also be indicated, including proposed methods of screening the equipment, where appropriate;
☐	☐	☐	Location and dimensions of parking areas, including computations of parking requirements, typical parking space dimensions, including handicapped spaces, and aisle widths;
☐	☐	☐	Proposed water supply and wastewater systems locations and sizes;
☐	☐	☐	Proposed finished grades and site drainage patterns, including necessary drainage structure. Where applicable, indicate the location and elevation of the 100-year floodplain;
☐	☐	☐	Proposed common open spaces and recreational facilities, if applicable;
☐	☐	☐	Proposed landscaping, including quantity, size at planting and botanical and common names of plant materials;
☐	☐	☐	Signs, including type, locations and sizes;

Special Land Use Application

Application # ___ - _____

- ☐ ☐ ☐ Location and dimensions of all access drives, including driveway dimensions, pavement markings, traffic-control signs or devices, and service drives;
- ☐ ☐ ☐ Exterior lighting showing area of illumination and indicating the type of fixture to be used.
- ☐ ☐ ☐ Elevations of proposed buildings drawn to an appropriate scale shall include:
  1. Front, side and rear views;
  2. Heights at street level, basement floor level, top of main floor, top of building, and if applicable, height above water level; and
  3. Exterior materials and colors to be used.
- ☐ ☐ ☐ Location, if any, of any views from public places to public places across the property;
- ☐ ☐ ☐ Location, height and type of fencing; and
- ☐ ☐ ☐ The name and address of the person and firm who drafted the plan, the seal of the professional responsible for the accuracy of the plan (licensed in the state) and the date on which the plan was prepared.

STANDARDS FOR APPROVAL (SECTION 154.082)

Please respond to how the request will meet each of the following standards for special land use:

(1) How will the location, size, height and intensity of the principal and/or accessory operations, compatible with the size, type and kind of buildings, uses and structures in the vicinity and on adjacent property?

See attached narative

(2) How will the proposed request consistent with, and will promote the intent and purpose of this chapter?

See attached narative

(3) How will the proposed request compatible with the natural environment and will it conserve natural resources and energy?

See attached narative

(4) How will the proposed request consistent with existing and future capabilities of public services and facilities?

See attached narative

(5) How will the proposed request protect the public health, safety and welfare as well as the social and economic well-being of those who will use the land use or activity, residents, businesses and landowners immediately adjacent and the city as a whole?

See attached narative

Special Land Use Application

Application # ___ - _____

(6) How will the proposed request create any hazards arising from storage and use of inflammable fluids?

See attached narative

(7) How will the proposed request will be in conflict with convenient, safe and normal vehicular and pedestrian traffic routes, flows, intersections and general character and intensity of development? In particular:

(a) Will the property be easily accessible to fire and police?

See attached narative

(b) Will measure be taken as to not create or add to any hazardous traffic condition?

See attached narative

(8) How will the proposed request be of such a design and impact that the location and height of buildings, the location, nature and height of walls, fences and the nature and extent of landscaping on the site not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof?

See attached narative

(9) How will the nature, location, size and site layout of proposed request be a harmonious part of the district in which it is situated taking into account, among other things, prevailing shopping habits, convenience of access by prospective patrons, the physical and economic relationship of one type of use to another and characteristic groupings of uses of the district?

See attached narative

(10) How will the location, size, intensity and site layout be such that operations will not be objectionable to nearby dwellings, by reason of noise, fumes, pollution, vibration, litter, refuse, glare or flash of lights to an extent which is greater than would be operations of any use permitted by right for that district within which the special land use is proposed to be located?

See attached narative

OFFICE USE ONLY:

Application Complete _____ Date _____ Fee Paid _____ Date Paid _____

Notice Sent _____ Resident Notification _____ Hearing Date _____

Notes: _____

154.082 STANDARDS FOR SPRECIAL USE.

Before any special land use permit is granted, the Planning Commission shall make findings of fact based upon competent evidence certifying compliance with the specific regulations governing individual special land uses and, in addition, ensure that the following general standards have been met. Each proposed special land use shall:

(1) In location, size, height and intensity of the principal and/or accessory operations, be compatible with the size, type and kind of buildings, uses and structures in the vicinity and on adjacent property;

The size and intensity of our proposed docks will be much less intense use than the Casa Loma private marina, which is located directly south of the subject property. Casa Loma has a similar use as the proposed project. The City Chain Ferry is located directly to the north of the subject property. Our 6 private boat slips will have no adverse affect on the commercial use of this public river crossing and landing area, which is also a more intense use. The existing cottage located on the west side of Park Street is elevated and sits higher, minimizing any negative affect of the view-scape.

(2) Be consistent with and promote the intent and purpose of this chapter;

The proposed boat slips are compatible with the adjacent property uses on either side of the property. Casa Loma Marina and the City Chain Ferry both deal with boating and dockage activity. The marine character compliments the waterfront property and is consistent with intent of the district.

(3) Be compatible with the natural environment and conserve natural resources and energy;

The 6 boat slips will be a low intense use and allow users to keep boats close to their homes rather than in offsite marinas. This will lessen the traffic burden on roads and provide an amenity that promotes the natural harbor and utilization of existing resources.

(4) Be consistent with existing and future capabilities of public services and facilities affected by the proposed use;

The proposed project will have no negative affect on the current available public services. There is sufficient capacity to service the 6 boast slips with all available public services.

(5) Protect the public health, safety and welfare as well as the social and economic well-being of those who will use the land use or activity, residents, businesses and landowners immediately adjacent and the city as a whole;

The MDEQ has issued a permit for the proposed project and determined it meets all their required standards. This project will improve values of adjacent properties and increase future tax revenue for the City thereby creating economic benefit for adjacent owners as well as the City. Social well-being will be increased by providing an amenity to our adjacent development project, which will be the users of our proposed boat slips.

(6) Not create any hazards arising from storage and use of inflammable fluids;

No such fluids are proposed to be stored or used on site.

(7) Not be in conflict with convenient, safe and normal vehicular and pedestrian traffic routes, flows, intersections and general character and intensity of development. In particular:

(a) The property shall be easily accessible to fire and police; and

Due to the shallow nature of the site and large amount of frontage on Park Street, emergency vehicles will have easy access to the entire site.

(b) Not create or add to any hazardous traffic condition.

All parking will be a pull in and pull out one-way driveway system with no parallel parking on Park Street.

(8) Be of such a design and impact that the location and height of buildings, the location, nature and height of walls, fences and the nature and extent of landscaping on the site shall not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;

The adjacent land and buildings on either side are currently used as a private marina and chain ferry. The proposed use is consistent and complimentary with such adjacent uses. Any future development of these adjacent properties will not be hindered in any way or value affected by our proposed 6 boat slips.

(9) That in the nature, location, size and site layout of the use, be a harmonious part of the district in which it is situated taking into account, among other things, prevailing shopping habits, convenience of access by prospective patrons, the physical and economic relationship of one type of use to another and characteristic groupings of uses of the district; and

The DEQ approved layout of the proposed 6 boat slips is harmonious with the district and is appropriately sized, not over massing the site. It will be an improvement to the current vacant site full of unsightly weeds and vegetation.

(10) That in the location, size, intensity and site layout be such that operations will not be objectionable to nearby dwellings, by reason of noise, fumes, pollution, vibration, litter, refuse, glare or flash of lights to an extent which is greater than would be operations of any use permitted by right for that district within which the special land use is proposed to be located.

Nearby dwellings will not be negatively affected by the proposed use of the boat slips because it is a very low intense use of the property. No commercial use is proposed. These are private boat slips not for public use with no business or enterprise allowed on the site.

STATE OF MICHIGAN

DEPARTMENT OF ENVIRONMENTAL QUALITY

Kalamazoo

RICK SNYDER
GOVERNOR

DAN WYANT
DIRECTOR

NOTICE OF AUTHORIZATION

Permit Number: 14-03-0032-P

Date Issued: 9/17/2015
Expiration Date: 9/17/2020

The Michigan Department of Environmental Quality, Water Resources Division, P.O. Box 30458, Lansing, Michigan 48909-7958, under provisions of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and specifically:

- ☑ Floodplain Regulatory Authority in Part 31, Water Resources Protection.
- ☑ Part 301, Inland Lakes and Streams.
- ☑ Part 303, Wetlands Protection.

Authorized activity:

Place a turbidity barrier around the lakeward perimeter of the project area. Construct approximately 177 feet of new seawall on Kalamazoo Lake, Saugatuck, Michigan. The steel sheet pile wall will tie into adjacent seawall on one end and end in a return wall on the other. Approximately 15 cubic yards of clean fill will be placed landward of the seawall below the ordinary high water mark. Place approximately 138 cubic yards of field stone waterward of the new seawall at a 1-on-1.5 to 2 slope along approximately 165 linear feet of the wall.

Dredge mechanically or hydraulically approximately 2,100 cubic yards of material from the areas designated on the project plans. Place dredge spoils behind seawall as much as possible. All other spoils are transported to an upland disposal area.

Install docks with a configuration based on the attached plans to accommodate 7 boats and 10 personal water craft on Kalamazoo River. This marina facility will include boat slips ranging from approximately 25 feet to 36 feet in length and personal water craft slips measuring approximately 15 feet in length. All docks shall be 5 feet in width. Install signs where appropriate to inform the public where mooring is not allowed. All work shall be completed in accordance with the attached modified plans and the specifications of this permit.

To be conducted at property located in: Allegan County,Kalamazoo River

Section(s) 09, Township 03N, Range 16W, Local Government.

Permittee: Paul Huele
Dune Ridge SA LP
231 Fulton Street West
Grand Rapids, MI 49503

Mark Schieber
Kalamazoo District Office
Water Resources Division
269-567-3625

This notice must be displayed at the site of work.
Laminating this notice or utilizing sheet protectors is recommended.
Please refer to the above Permit Number with any questions or concerns.

K. Failure to comply with conditions of this permit may subject the permittee to revocation of permit and criminal and/or civil action as cited by the specific state act, federal act, and/or rule under which this permit is granted.

L. All dredged or excavated materials shall be disposed of in an upland site (outside of floodplains, unless exempt under Part 31 of the NREPA, and wetlands).

M. In issuing this permit, the MDEQ has relied on the information and data that the permittee has provided in connection with the submitted application for permit. If, subsequent to the issuance of a permit, such information and data prove to be false, incomplete, or inaccurate, the MDEQ may modify, revoke, or suspend the permit, in whole or in part, in accordance with the new information.

N. The permittee shall indemnify and hold harmless the State of Michigan and its departments, agencies, officials, employees, agents, and representatives for any and all claims or causes of action arising from acts or omissions of the permittee, or employees, agents, or representative of the permittee, undertaken in connection with this permit. The permittee's obligation to indemnify the State of Michigan applies only if the state: (1) provides the permittee or its designated representative written notice of the claim or cause of action within 30 days after it is received by the state, and (2) consents to the permittee's participation in the proceeding on the claim or cause of action. It does not apply to contested case proceedings under the Administrative Procedures Act, 1969 PA 306, as amended, challenging the permit. This permit shall not be construed as an indemnity by the State of Michigan for the benefit of the permittee or any other person.

O. Noncompliance with these terms and conditions and/or the initiation of other regulated activities not specifically authorized shall be cause for the modification, suspension, or revocation of this permit, in whole or in part. Further, the MDEQ may initiate criminal and/or civil proceedings as may be deemed necessary to correct project deficiencies, protect natural resource values, and secure compliance with statutes.

P. If any change or deviation from the permitted activity becomes necessary, the permittee shall request, in writing, a revision of the permitted activity from the MDEQ. Such revision request shall include complete documentation supporting the modification and revised plans detailing the proposed modification. Proposed modifications must be approved, in writing, by the MDEQ prior to being implemented.

Q. This permit may be transferred to another person upon written approval of the MDEQ. The permittee must submit a written request to the MDEQ to transfer the permit to the new owner. The new owner must also submit a written request to the MDEQ to accept transfer. The new owner must agree, in writing, to accept all conditions of the permit. A single letter signed by both parties that includes all of the above information may be provided to the MDEQ. The MDEQ will review the request and, if approved, will provide written notification to the new owner.

R. Prior to initiating permitted construction, the permittee is required to provide a copy of the permit to the contractor(s) for review. The property owner, contractor(s), and any agent involved in exercising the permit are held responsible to ensure that the project is constructed in accordance with all drawings and specifications. The contractor is required to provide a copy of the permit to all subcontractors doing work authorized by the permit.

S. Construction must be undertaken and completed during the dry period of the wetland. If the area does not dry out, construction shall be done on equipment mats to prevent compaction of the soil.

T. Authority granted by this permit does not waive permit requirements under Part 91, Soil Erosion and Sedimentation Control, of the NREPA, or the need to acquire applicable permits from the County Enforcing Agent.

U. Authority granted by this permit does not waive permit requirements under the authority of Part 305, Natural Rivers, of the NREPA. A Natural Rivers Zoning Permit may be required for construction, land alteration, streambank stabilization, or vegetation removal along or near a natural river.

V. The permittee is cautioned that grade changes resulting in increased runoff onto adjacent property is subject to civil damage litigation.

W. Unless specifically stated in this permit, construction pads, haul roads, temporary structures, or other structural appurtenances to be placed in a wetland or on bottomland of the water body are not authorized and shall not be constructed unless authorized by a separate permit or permit revision granted in accordance with the applicable law.

X. For projects with potential impacts to fish spawning or migration, no work shall occur within fish spawning or migration timelines (i.e., windows) unless otherwise approved in writing by the Michigan Department of Natural Resources, Fisheries Division.

Y. Work to be done under authority of this permit is further subject to the following special instructions and specifications:

1. The docks must be located such that watercraft dockage and ingress/egress shall not interfere with riparian rights.
2. Additional attachments to permitted structures, including but not limited to roofs, sidewalls, handrails, benches, decks, additional docks, or extensions thereof, are **not** authorized by this permit, unless included in the attached plans.

3. The structure shall be of open construction, maintaining free water movement and circulation.

4. This permit authorizes construction of a marina for private, non-commercial use only, for individuals residing the Dune Ridge Developement.

5. This project shall be constructed as shown on the attached plans and riparian interest area estimate survey.

6. No boat shall extend beyond the end of the authorized dock or slip length. Swim platforms, bow sprits, and/or pulpits must be factored into total length of the boat. No other structures such as boat hoists or spring piles shall extend beyond the end of the authorized dock or slip length.

7. Signage indicating special conditions for dockage shall read, "No Watercraft Mooring at Any Time", or similar language. Professionally-made signs facing waterward with readable print size by marina customers and the public shall be placed on the side of the permitted docks facing the adjacent riparian owner at the marina owner's discretion. The signs are to be repaired and replaced as necessary.

8. All fill/backfill shall consist of clean inert material that will not cause siltation nor contain soluble chemicals, organic matter, pollutants, or contaminants. All fill shall be contained in such a manner so as not to erode into any surface water, floodplain, or wetland. All raw areas associated with the permitted activity shall be stabilized with sod and/or seed and mulch, riprap, or other technically effective methods as necessary to prevent erosion.

9. Prior to commencing installation of the shore protection structure, the entire lakeward perimeter of the project site shall be isolated with a turbidity curtain to prevent movement of suspended sediments. The turbidity curtain shall be installed to extend from the bed of the waterbody to a point above the existing water's surface. The turbidity curtain shall be maintained for the duration of the project and shall be left in place after completion until all disturbed sediments have settled.

10. Unless authorized by the attached plans, the seawall, bulkhead, or revetment structure shall be placed at or above (landward) of the Ordinary High Water Mark (OHWM) in the location shown on the attached approved plans. Any variation from the approved location must be authorized in writing by the MDEQ prior to the initiation of these activities.

11. On a project requiring backfilling, the seawall shall be in place prior to placing any fill.
12. The seawall shall have toe stone (i.e. riprap) placed along a minimum of 165 linear feet of the seawall to prevent undercutting by wave action, to mitigate for the loss of habitat, and to provide a use for fish and other aquatic life. The toe stone shall be placed at a 1-on-1.5 to 2 slope (e.g. 1 foot vertical to 1 feet horizontal) or gentler. Toe stone shall be properly sized and consist of natural field stone or rock (broken concrete is not allowed). Toe stone shall be installed immediately upon completion of the seawall. This toe stone shall be placed in accordance with the attached plans.

13. Authority granted by this permit does not waive any jurisdiction of the United States Army Corps of Engineers or the need for a federal permit, if required.

14. Authority granted by this permit does not waive permit requirements under Part 91 of the NREPA, or the need to acquire applicable permits from the CEA. To locate the Soil Erosion Program Administrator for your county visit, http://www.michigan.gov/deq/0,4561,7-135-3311_4113-8870--

.00.html or contact John Johnson at 269-686-4501.

15. Prior to commencement of any dredging authorized by this permit, the entire dredged area shall be enclosed with a turbidity curtain to prevent off-site siltation. The turbidity curtain shall be installed to extend from the bed of the waterbody to a point above the existing water's surface. The turbidity curtain shall be maintained for the duration of the project and shall be left in place after completion of dredging until all disturbed sediments have settled.

16. All dredge/excavated spoils including organic and inorganic soils, vegetation, and other material removed shall be placed on upland (non-wetland, non-floodplain or non-bottomland), prepared for stabilization, and stabilized with sod and/or seed and mulch in such a manner to prevent and ensure against erosion of any material into any waterbody, wetland, or floodplain.

17. The permittee is cautioned that excessive dredging resulting in the impairment of the structural integrity of seawalls on neighboring riparian properties is subject to civil damage litigation.

18. No work or dredging within the water authorized by this permit is allowed from March 15 to June 30 or September 1 to December 15 in any year due to critical spawning, migration, and/or recreational use periods. Contact MDEQ if dredging may be required outside of these dates.

19. The design flood or 1.0% annual chance (100-year) floodplain elevation at this location on Kalamazoo River is 583.03 feet IGLD85.

20. Under Appendix G of the Michigan Building Code 2012, a local building permit is required for development located in flood hazard areas.

21. The project is located within a community that participates in the National Flood Insurance Program (NFIP). As a participant in the NFIP, the community must comply with the Michigan Building Code (including Appendix G and listed supporting materials); the Michigan Residential Code; and Title 44 of the Code of Federal Regulations, Part 60, Criteria for Land Management and Use. The community is also responsible to ensure that its floodplain maps and studies are maintained to show changes to flood elevations and flood delineations as described in 44 CFR, Part 65, Identification and Mapping of Special Hazard Areas.

22. Any other filling, grading, or construction within the 100-year floodplain will require a separate DEQ permit before starting the work.

23. The proposed fill and building are located within a 100-year floodplain included in the community's Flood Insurance Rate Map and/or flood elevation study. The permittee must apply to the Federal Emergency Management Agency (FEMA) for a Letter of Map Revision based on fill (LOMR-F) if engineered earthen fill is placed within the mapped 100-year floodplain. As part of the National Flood Insurance Program (NFIP) requirements the community must ensure that the requirements found in Section 65.5(a) of the FEMA's 44 CFR Part 65 are followed.

24. The lowest floor including basement shall be elevated at least one foot above the design flood elevation. The lowest floor shall be the floor of the lowest enclosed area, including basement, but excluding any unfinished flood-resistant enclosure that is usable solely for vehicle parking, building access, or limited storage provided that such enclosure is not built so as to render the building or structure in violation of this permit.

25. This permit does not authorize basement construction within the filled portion of the 1% annual chance (100-year) floodplain, or below the 1% annual chance (100-year) floodplain elevation. The applicant must obtain a permit revision to the existing valid permit or obtain a separate permit to construct a basement within the filled portion of the floodplain.

26. All permitted structures shall be firmly anchored to prevent flotation or lateral movement.

27. A registered professional engineer or land surveyor must submit an elevation certificate to the local building official upon placement of the lowest floor, including basement, prior to further vertical construction. When the project is located in a National Flood Insurance Program (NFIP) community, using the elevation certificate form, found at http://www.fema.gov/media-library/assets/documents/160?id=1383, is encouraged. The form is required if the community participates in the Community Rating System. Provide a copy of the certification to this office within **15 days** of when it was completed.

28. This permit does not waive the requirements of Michigan Building Code and its referenced standards, ASCE 7: Minimum Design Loads for Buildings and Other Structures, and ASCE 24: Flood Resistant Design and Construction, for substantial improvements to existing structures or new construction. Please reference the Code for details.

29. In issuing this permit, the MDEQ has relied on the information and data which the permittee has provided in connection with the permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete, or inaccurate, the MDEQ may modify, revoke, or suspend the permit, in whole or in part, in accordance with the new information.

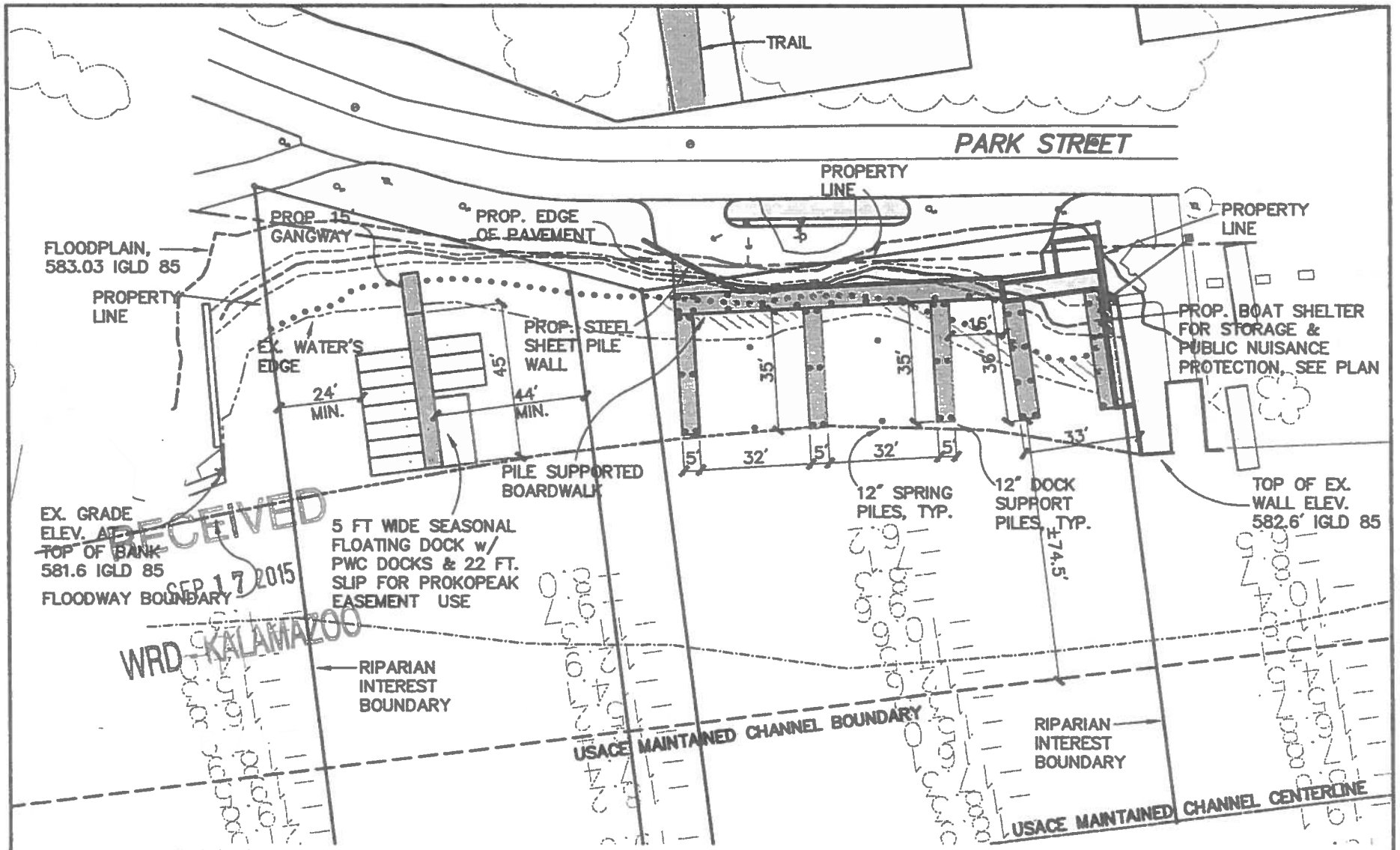
30. The authority to conduct the activity as authorized by this permit is granted solely under the provisions of the governing act as identified above. This permit does not convey, provide, or otherwise imply approval of any other governing act, ordinance, or regulation, nor does it waive the permittee's obligation to acquire any local, county, state or federal approval, or authorizations necessary to conduct the activity.
31. If any change or deviation from the permitted activity becomes necessary, the permittee shall request, in writing, a revision of the permitted activity and/or mitigation plan from the MDEQ. Such revision requests shall include complete documentation supporting the modification and revised plans detailing the proposed modification. Proposed modifications must be approved, in writing, by the MDEQ prior to being implemented.
32. This permit is being issued for the maximum time allowed under Part 301, Inland Lakes, of the Natural Resources and Environmental Protection Act, PA 451 of 1994, as amended, including all permit extensions allowed under the administrative rule R 281.813. Therefore, no extensions of this permit will be granted. Initiation of the construction work authorized by this permit indicates the permittee's acceptance of this condition. The permit, when signed by the MDEQ, will be for a five-year period beginning at the date of issuance.

Issued By:

Mark Schieber

Mark Schieber, Environmental
Quality Analyst
Kalamazoo District Office
Water Resources Division
269-567-3625

cc: Saugatuck Township Clerk
City of Saugatuck
Allegan County CEA
Prein&Newhof, Matt Hulst



ALL CONTOURS & ELEVATIONS REFERENCED TO THE INTERNATIONAL GREAT LAKES DATUM OF 1985 (IGLD 85)

0' 20' 40'
SCALE : 1" = 40'

REVISED DOCKING PLAN

North

SHEET 3R of 9
SEPTEMBER 17, 2015
2140111

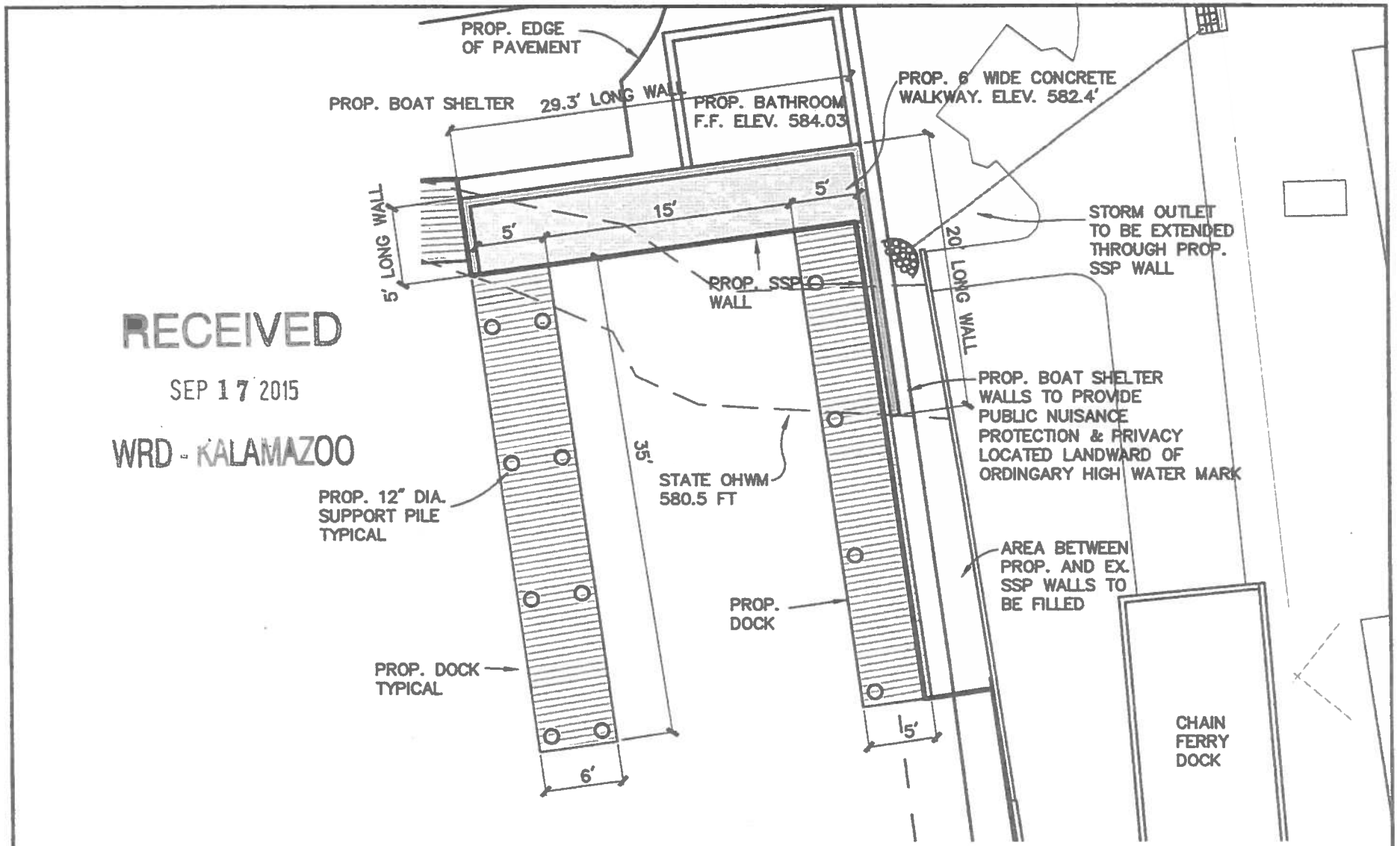
DUNEGRASS

WATERWAY : KALAMAZOO RIVER
LOCATION : CITY OF SAUGATUCK
ALLEGAN COUNTY, MICHIGAN
SECTION 9, T. 3 N., R. 16 W.

APPLICANT :
DUNE RIDGE SA LP
PAUL HEULE – MANAGER
231 FULTON STREET WEST
GRAND RAPIDS, MI 49503

PREPARED BY : Prein&Newhof
Engineers ▪ Surveyors ▪ Environmental ▪ Laboratory
4910 STARIHA DRIVE
MUSKEGON, MICHIGAN 49441/(231–798–0101)

DEQ-WRD
File# 14-03-0032
APPROVED PLANS
Page 1 of 6
9/17/2015



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SEP 17 2015
WRD - KALAMAZOO

PROPOSED BOAT SHELTER PLAN

SHEET 7R of 9
SEPTEMBER 17, 2015
2140111

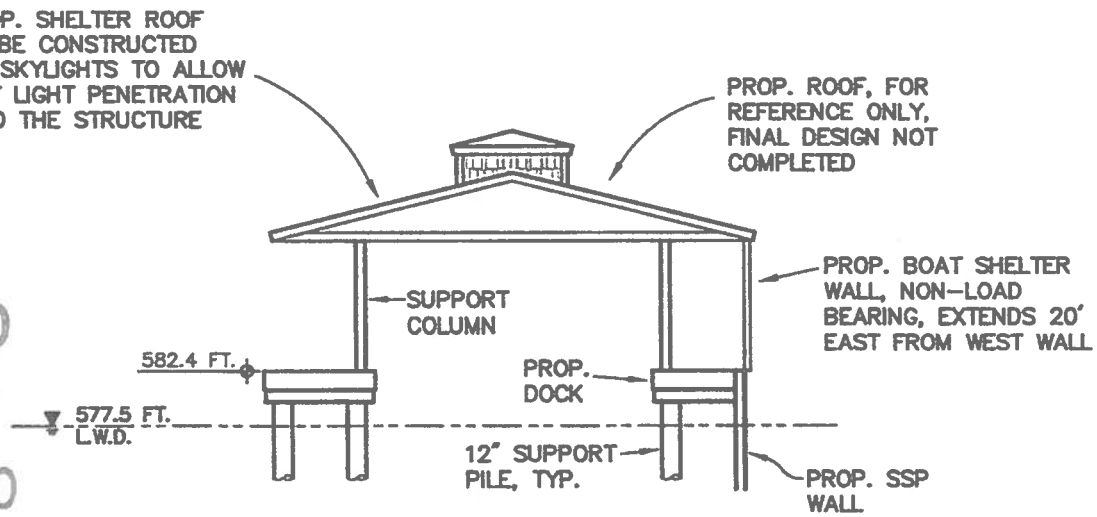
DUNEGRASS

WATERWAY : KALAMAZOO RIVER
LOCATION : CITY OF SAUGATUCK
ALLEGAN COUNTY, MICHIGAN
SECTION 9, T. 3 N., R. 16 W.

APPLICANT :
DUNE RIDGE SA LP
PAUL HEULE – MANAGER
231 FULTON STREET WEST
GRAND RAPIDS, MI 49503

PREPARED BY : Prein&Newhof
Engineers • Surveyors • Environmental • Laboratory
4910 STARIHA DRIVE
MUSKEGON, MICHIGAN 49441/(231-798-0101)

DEQ-WRD
File# 14-03-0032-P
APPROVED PLANS
Page 2 of 6
9/17/2015



BOAT SHELTER CROSS SECTION

SCALE: 1" = 10'

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SEP 17 2015
WRD - KALAMAZOO

SHEET 8R of 9
SEPTEMBER 15, 2015
2140111

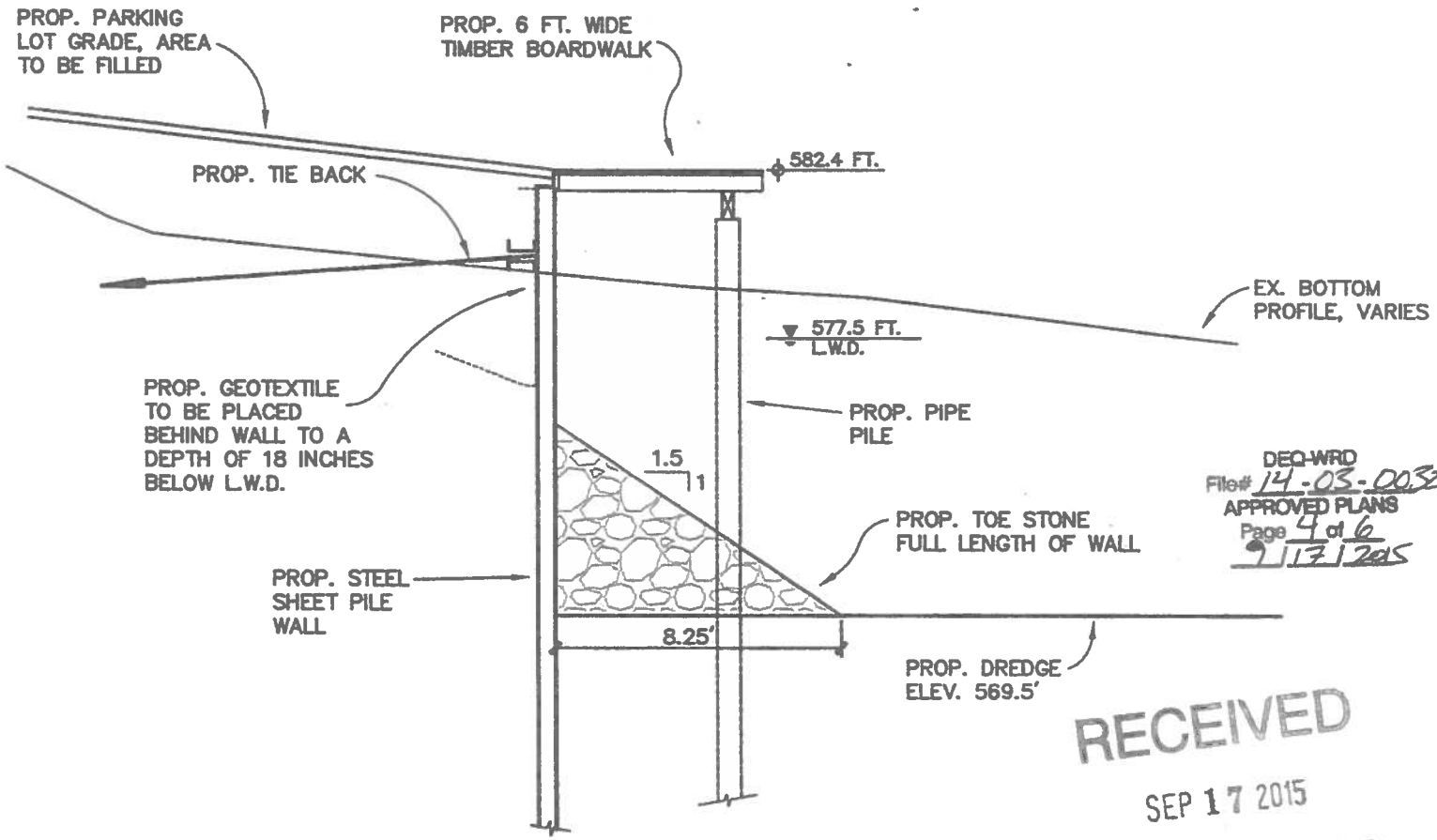
DUNEGRASS

WATERWAY : KALAMAZOO RIVER
LOCATION : CITY OF SAUGATUCK
ALLEGAN COUNTY, MICHIGAN
SECTION 9, T. 3 N., R. 16 W.

APPLICANT :
DUNE RIDGE SA LP
PAUL HEULE – MANAGER
231 FULTON STREET WEST
GRAND RAPIDS, MI 49503

DEQ-WRD
File# 14-03-0052-P
APPROVED PLANS
Page 3 of 6
9/17/2015

PREPARED BY : Prein&Newhof
Engineers ▪ Surveyors ▪ Environmental ▪ Laboratory
4910 STARIHA DRIVE
MUSKEGON, MICHIGAN 49441/(231-798-0101)



DEQ-WRD
File# 14-03-0032-P
APPROVED PLANS
Page 4 of 6
9/17/2015

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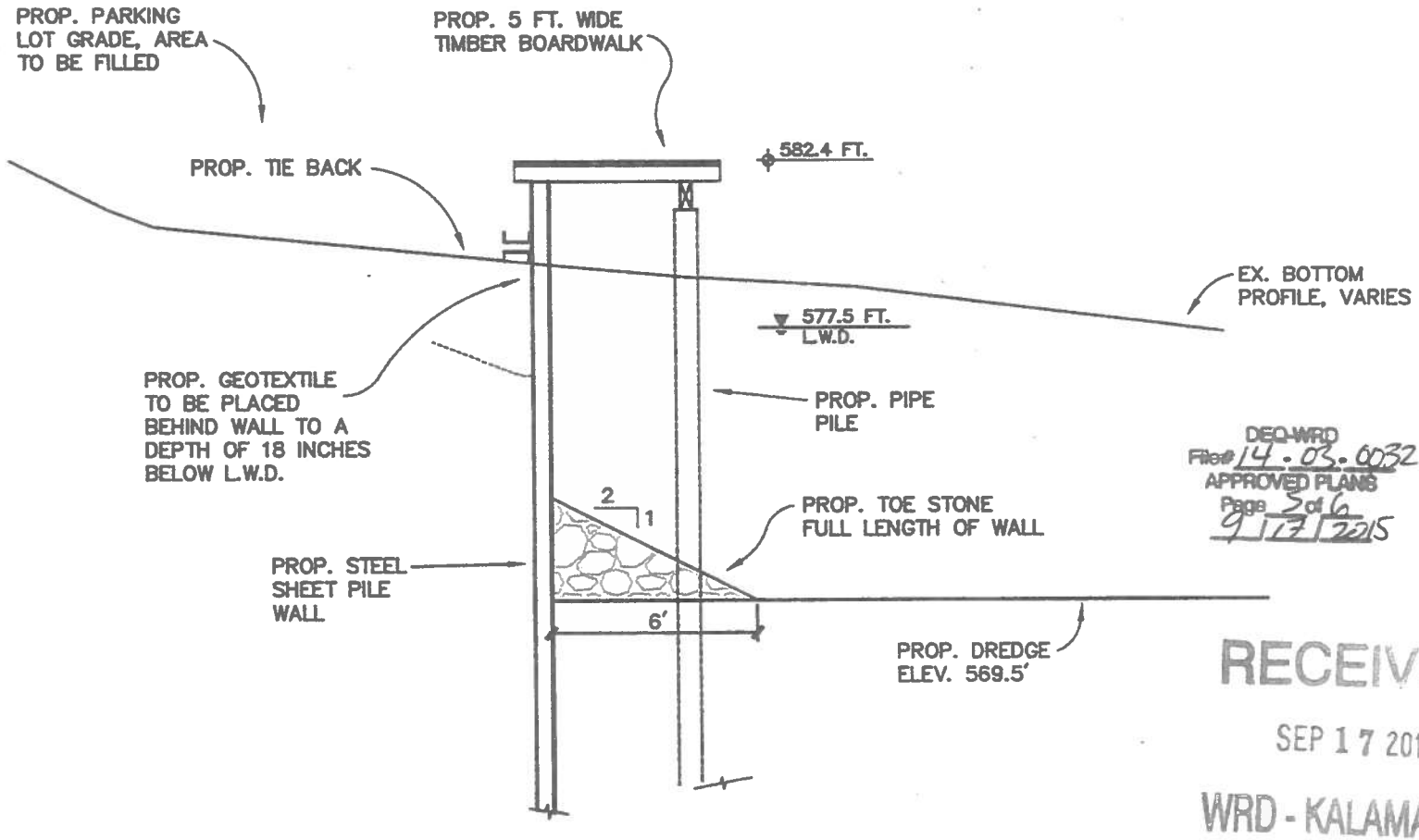
SEP 17 2015
WRD - KALAMAZOO

REVISED TYPICAL SHEETPILE WALL SECTION

SCALE: 1" = 5'

SHEET 6R of 9
SEPTEMBER 17, 2015
2140111

DUNEGRASS WATERWAY : KALAMAZOO RIVER LOCATION : CITY OF SAUGATUCK ALLEGAN COUNTY, MICHIGAN SECTION 9, T. 3 N., R. 16 W.	APPLICANT : DUNE RIDGE SA LP PAUL HEULE – MANAGER 231 FULTON STREET WEST GRAND RAPIDS, MI 49503	PREPARED BY : Prein&Newhof Engineers ▪ Surveyors ▪ Environmental ▪ Laboratory 4910 STARIHA DRIVE MUSKEGON, MICHIGAN 49441/(231–798–0101)



DEQ-WRD
File# 14-03-0032-P
APPROVED PLANS
Page 3 of 6
9/17/2015

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SEP 17 2015
WRD - KALAMAZOO

TYPICAL SHEETPILE WALL SECTION ALONG CHAIN FERRY WALL

SCALE: 1" = 5'

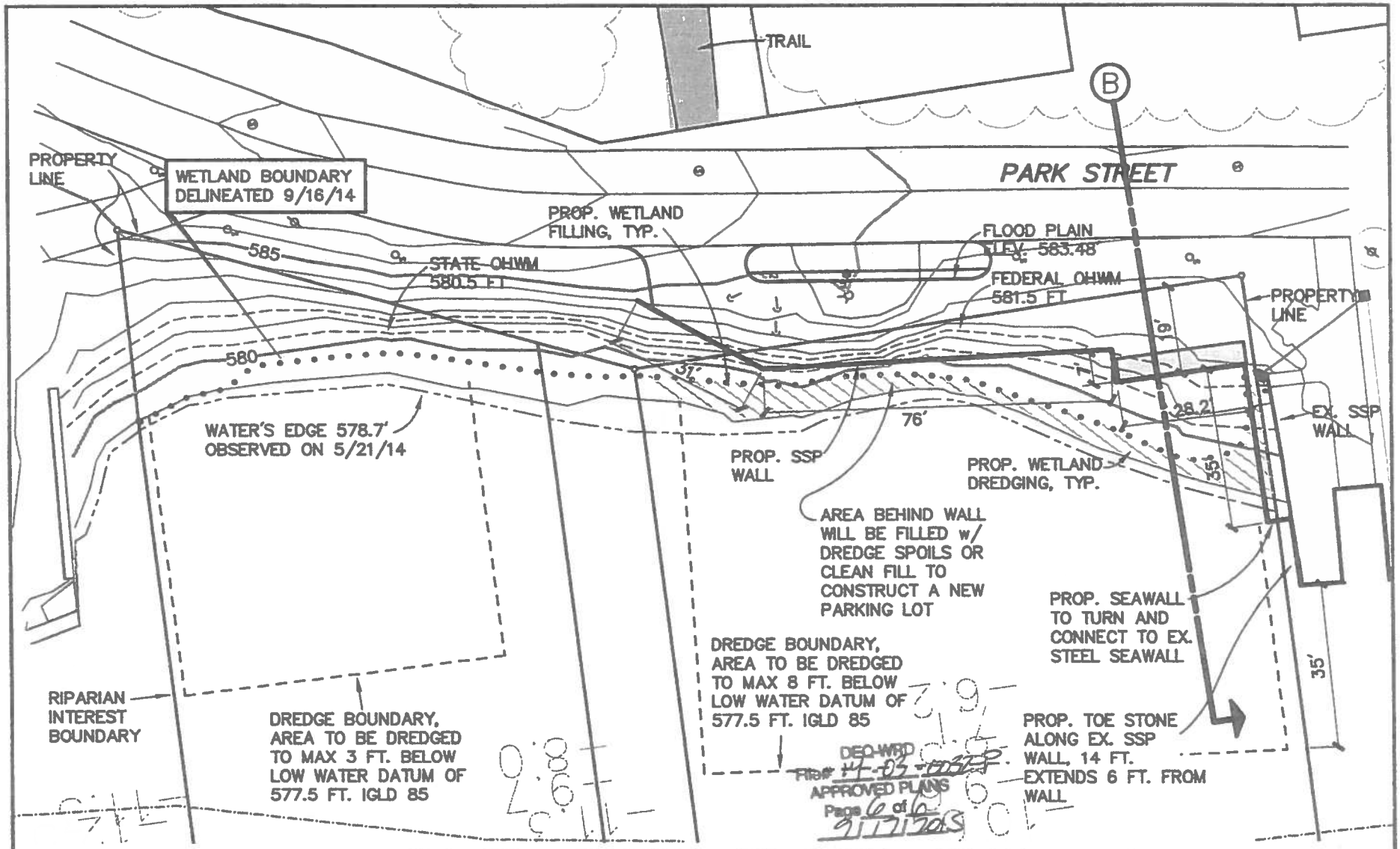
SHEET 11 OF 11
SEPTEMBER 17, 2015
2140111

DUNEGRASS

WATERWAY : KALAMAZOO RIVER
LOCATION : CITY OF SAUGATUCK
ALLEGAN COUNTY, MICHIGAN
SECTION 9, T. 3 N., R. 16 W.

APPLICANT :
DUNE RIDGE SA LP
PAUL HEULE – MANAGER
231 FULTON STREET WEST
GRAND RAPIDS, MI 49503

PREPARED BY : Prein&Newhof
Engineers ▪ Surveyors ▪ Environmental ▪ Laboratory
4910 STARIHA DRIVE
MUSKEGON, MICHIGAN 49441/(231–798–0101)



REVISED SEAWALL/DREDGING PLAN

SHEET 4R of 9
SEPTEMBER 15, 2015
2140111

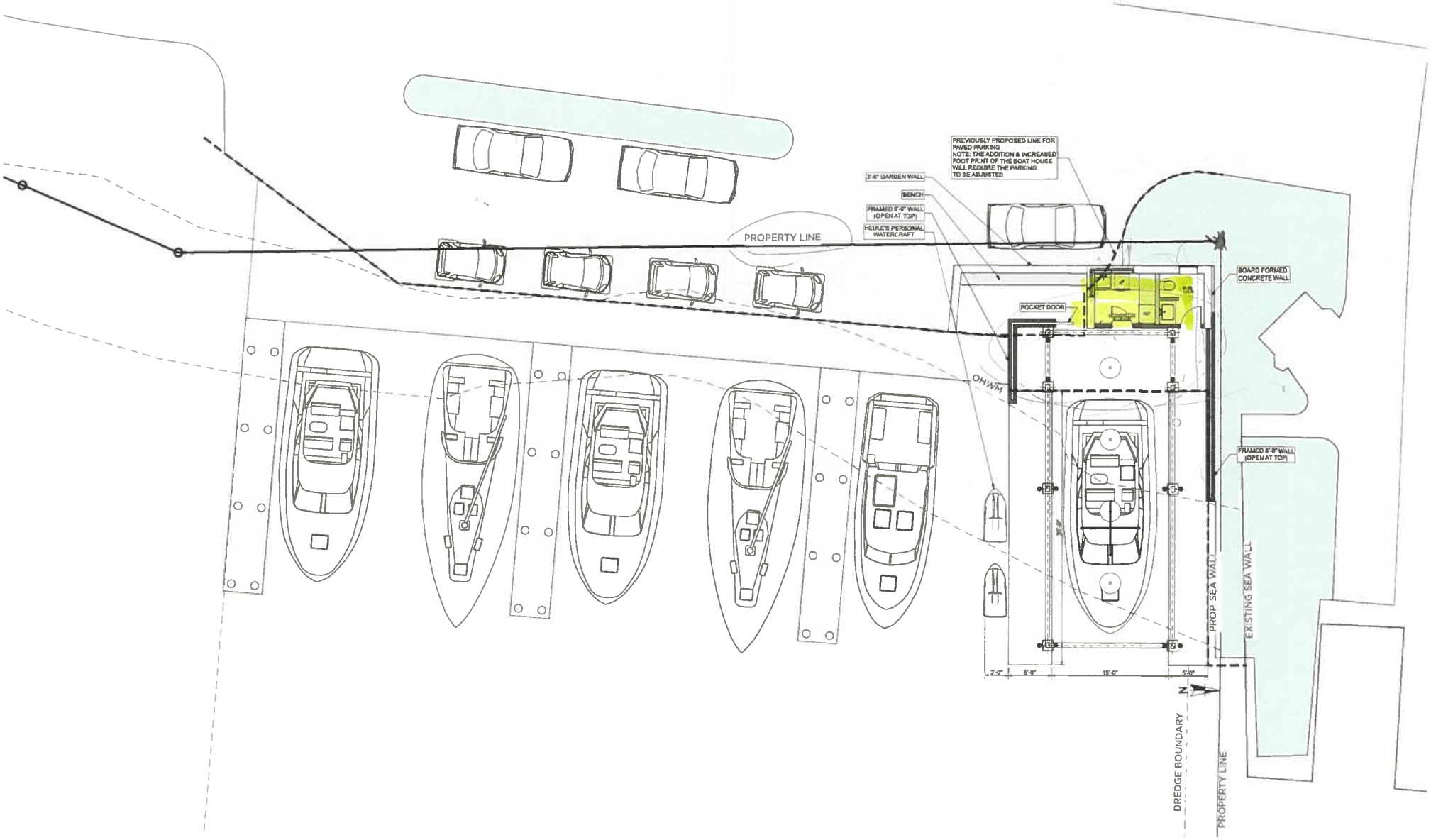
DUNEGRASS

WATERWAY : KALAMAZOO RIVER
LOCATION : CITY OF SAUGATUCK
ALLEGAN COUNTY, MICHIGAN
SECTION 9, T. 3 N., R. 16 W.

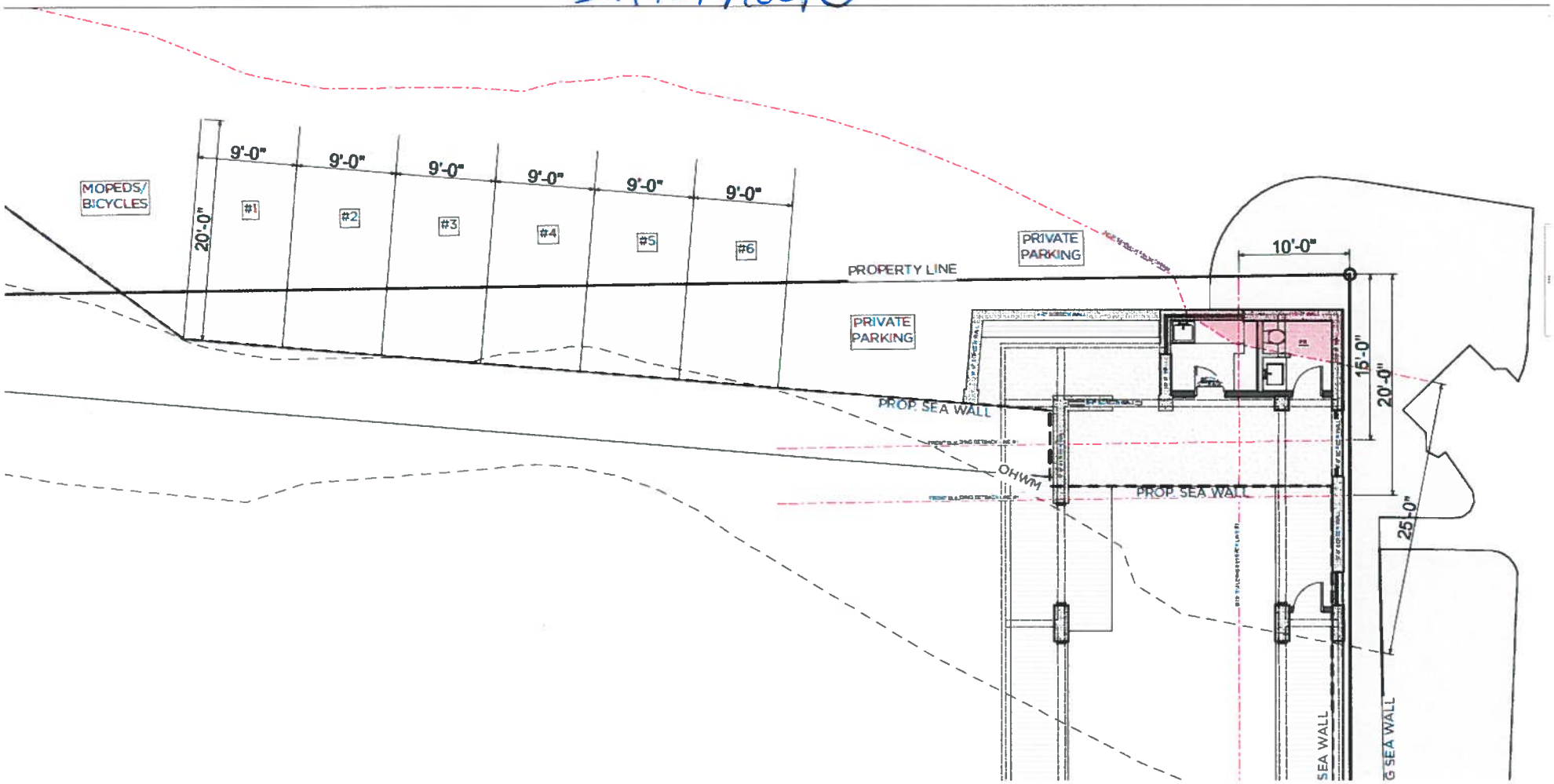
APPLICANT :
DUNE RIDGE SA LP
PAUL HEULE – MANAGER
231 FULTON STREET WEST
GRAND RAPIDS, MI 49503

RECEIVED
SEP 15 2015
WRD KALAMAZOO

PREPARED BY : Prein&Newhof
Engineers ▪ Surveyors ▪ Environmental ▪ Laboratory
4910 STARIHA DRIVE
MUSKEGON, MICHIGAN 49441/(231–798–0101)


PREVIOUSLY PROPOSED LINE FOR PAVED PARKING
NOTE: THE ADDITION & INCREASED FOOT PRINT OF THE BOAT HOUSE WILL REQUIRE THE PARKING TO BE ADJUSTED
2'-6" GARDEN WALL
BENCH
FRAMED 6'-0" WALL (OPEN AT TOP)
HEULE'S PERSONAL WATERCRAFT
PROPERTY LINE
BOARD FORMED CONCRETE WALL
POCKET DOOR
OHWM
FRAMED 8'-0" WALL (OPEN AT TOP)
PROP. SEA WALL
EXISTING SEA WALL
2'-0"
5'-6"
15'-0"
5'-6"
N
DREDGE BOUNDARY
PROPERTY LINE

Alternate


MOPEDS/
BICYCLES
20'-0"
9'-0"
9'-0"
9'-0"
9'-0"
9'-0"
9'-0"
#1
#2
#3
#4
#5
#6
PROPERTY LINE
PRIVATE
PARKING
PRIVATE
PARKING
10'-0"
15'-0"
20'-0"
25'-0"
PROP. SEA WALL
OHWM
PROP. SEA WALL
SEA WALL
G SEA WALL

Lucy St
Spear St
Francis St
Water St
Butler St
Griffith St
St Joseph St
Hoffman St
Mason St
Mason St
Google

Cindy Osman

From: Sandra Koeppen <rosastiefel@yahoo.com>
Sent: Thursday, May 12, 2016 3:17 PM
To: Cindy Osman
Subject: Building 144: new park street marina

Dear City of Saugatuck!
I am writing with regards to the proposed new building on Park Street, just south of the Chain Ferry.

I believe that it is not a good idea to build a marina there.
I believe that it is not a good idea to build a bathroom house there, as proposed in #144.

My reasons:
a) Park Street is way too narrow than to allow for parking in the proposed area.
b) Park Street is way to busy to allow for parking in the proposed area.
c) Park Street is way too narrow and too busy to allow for construction traffic and construction closures in that area.
d) Pedestrians and bicycle riders are already living a dangerous life on Park Street since there is no pedestrian walk way nor a bike trail. Adding construction traffic and marina traffic to Park Street will endanger pedestrians and bicyclists.
e) The city of Saugatuck has not build a side walk nor a bike trail along Park Street due to the fact that there is not enough space. Consequently, there is also not enough space for a marina, a bathroom house, parking spots, parking traffic, construction traffic and construction closures.
f) The proposed bathroom does not meet all setbacks. The submitted building drawing does not consider the current high water levels. There is not enough space to build the bathroom house (currently there are less than 40' from the edge of the road to the water's edge. The space does not allow for 25' Waterfront setback plus a 15' Front Yard setback, with a 10' Side yard setback).
g) The proposed area is a wildlife area for ducks, geese, and other wildlife.

Thank you.

Cindy Osman

From: Jeff LaFleur <jlafleur@vnexttech.com>
Sent: Thursday, May 12, 2016 9:21 AM
To: Cindy Osman
Subject: new marina issue

Cindy,
I am owner of a condo at 615 park street and am writing to you out of concern for the proposed marina. The area of the proposed marina is already a large concern of ours with the congestion that occurs throughout the summer due to the narrow road and the popularity of Oval beach. With the increased traffic that will occur due to the home building going on in the area due to the construction and permanent homes being sold there will be more car and truck traffic. Walkers and bike riders already have issues with vehicles traveling up and down the road in this area without a marina. Also the length of lines getting to the popular Oval beach already is an issue. Adding this would add a lot more traffic to an area that is already tough to navigate and at times unsafe for pedestrians.

In front of our condos all summer long the boat traffic becomes very congested at the point that is under discussion as the iconic chain fairy moves across the river. The congestion that occurs is already troublesome for boaters. We love to watch it from our condo but as a boater to add more boats to an area that is already congested and the parking of boats at the Ship n Shore "which we agree with" would make this a dangerous area due to the current of the water. Adding another marina to the mix and the additional boat traffic to this narrow area of the river creates a lot of potential for accidents or problems with boating traffic.

Then there is the biggest issue which is parking. The added marina will add additional vehicles to an area that parking is at a premium already. This is a big problem as the parking issues for our property and other properties on our side of the river will become bigger with the additional vehicles wanting to park "close" to their boat. The area that they are asking for permission to build a marina will not help this at all. Summer months are very busy in Saugatuck and parking during the busy months is extremely difficult to say the least. Being able to find a parking place is already an issue even as an owner of a property in Saugatuck. Now they want to build a large Marina that will add a large number of vehicles to parking spots and area that doesn't exist. That traffic will invite guests to the marina and they will need additional parking spots and this cascading effect will make parking unbearable.

I am not in favor of this marina.

Thank you for listening.
Cordially,
Jeff LaFleur
Phone:616-299-6766
Fax: 269-620-5903

MEMORANDUM

TO: Planning Commission
City of Saugatuck

FROM: Cindy Osman
Planning Director

DATE: May 19, 2016

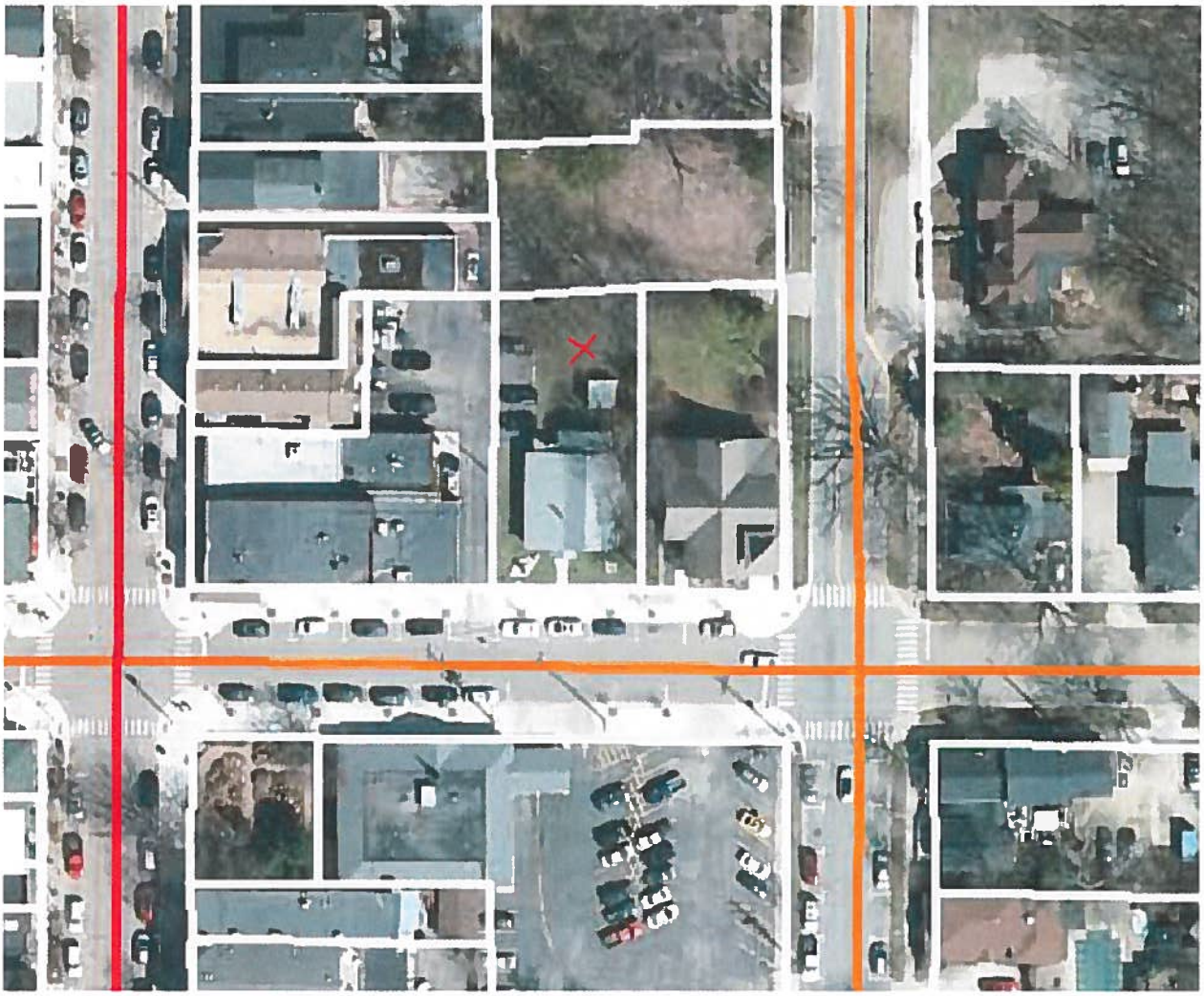
RE: **Application 15-004; 248 Mason Street, (03-57-300-151-00) Request to Rezone**

Robert Boyce of the Bruner Frehse Post #137 of the American Legion has submitted an application to rezone the property at 248 Mason Street, which is occupied by the American Legion Hall, from City Center Residential (R-4) to City Center (CC). The purpose of this memo is to provide an introduction and review of the information provided for the May 19, 2016 meeting.

Background: The 8,712 square foot property is currently located in the City Center Residential (R-4) zoning district, and is improved with a structure that is being used as the American Legion Hall. An additional 144 square-foot, accessory structure was constructed in 2009. The property to the north is zoned Community Residential (R-1), the properties to the west and south are zoned Water City Center (C-1) and the property to the east is zoned City Center Residential (R-4).

Proposed Request: The applicant is proposing to amend Section 154.043, Zoning Map, by rezoning the subject property at 248 Mason Street from City Center Residential (R-4) to City Center (C-1).

102 Butler Street • P.O. Box 86 • Saugatuck, MI 49453
Phone: 269-857-2603 • Website: www.saugatuckcity.com



The dimensional regulations for the two zone districts are quite distinct. While I do not have surveys, it is clear that the setbacks for the subject property are more in line with the R-4 Zone District. Properties in the C-1 zone district are exempt from off-street regulations.

	R-4	C-1
Front setback	20 feet	0 feet
Side setback	7 feet	0 feet
Rear setback	10 feet	0 feet*
Minimum lot area	8,712 square feet	4,356 square feet
Minimum lot width	66 feet	33 feet of street frontage
Maximum lot coverage	25%	100%*
* Subject to Fire Code Regulations		

Completeness of Submittal: All requested materials and information has been provided.

Standards for Approval: Since the Zoning Map is officially classified as part of Section 154.043 of the Zoning Code, this request is recognized as an amendment to the Zoning Code. Therefore, Section 154.176 (C)(1)(b) of the Zoning Code would be applicable and provides the standards for Amending the Zoning Ordinance.

1. *Whether the rezoning is consistent with the policies and uses proposed for that area in the city's Master Land Use Plan;*

Comment: The future land use map indicates the entire 'downtown' area to be commercial; however this parcel appears to be classified as "Medium-High Density Single Family Residential." The masterplan is intended to be a guide, not bright lines. This transitional zone allows a limited number of mixed uses, but the intentions are to promote residential use. Therefore the Planning Commission may find this standard is met.

2. *Whether all of the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area;*

Comment: Another person associated with this application indicated that the use of the lodge would not change. Currently the neighboring properties include a church, a vacant property zoned R-1, and a retail store. The commission should have a discussion about the compatibility of the permitted uses adjacent to a single family dwelling. It is essential that the commission keep in the forefront of the discussion that we are talking about the re-zoning of the land, just the dirt beneath the current structure, and not the occupants or structures.

3. *Whether any public services and facilities would be significantly adversely impacted by a development or use allowed under the requested rezoning; and*

Comment: The permitted uses in the C-1 zone district should not have a significant adverse impact on public services other than parking. Therefore the Planning Commission may find this standard is met.

4. *Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land.*

Comment: The proposed rezoning would introduce several new possible uses either as permitted by right or as special land use. The Planning Commission may want to discuss the potential impacts of possible future uses and their relationship to the neighboring church and single family residential zoned parcel to the north.

Additional comment: The lodge enjoys significant non-conforming privileges at this location. I do suggest that these privileges meet the needs of the lodge. The only event that was impacted was a single chicken barbeque. The zoning administrator at the time made an

interpretation that this event was not included in the established non-conforming privilege, I disagree. When an applicant is aggrieved by an interpretation of the zoning administrator, he has the right to make an appeal to the Zoning Board of Appeals.

Recommendation: Staff recommends that the Commission deny the application for rezoning from R-4 to C-1 City Center Commercial. **The applicant can use the property consistently with its non-conforming privileges as long as they continue to operate as they have in the past.**

Potential motion:

I move to approve/deny the application as submitted, adopt the following findings of fact, and forward the report to City Council.

Findings of fact:

The request is/is not consistent with the City Master Land Use Plan

All permitted uses would/would not be consistent with adjacent zones and uses in the surrounding area

Public services would/would not be adversely impacted by any permitted use in the proposed zone district

The permitted uses in the proposed zone district are/are not better suited to the area than the current zoning of the land.

Rezoning / Amendment Application

LOCATION INFORMATION — **APPLICATION NUMBER** 15 - 001

Address 248 MASON ST. Parcel Number 57-300-151-00

APPLICANTS INFORMATION

Name ROBERT BOYCE Address / PO Box 248 MASON ST.

City SAUGATUCK State MI Zip 49453 Phone 616-218-7278

Interest In Project POST COMMANDER E-Mail

Signature Robert Boyce Date 2/9/15

OWNERS INFORMATION (IF DIFFERENT FROM APPLICANTS)

Name BRUNER FRENSE POST #137 Address / PO Box 248 MASON ST.

City SAUGATUCK State MI Zip 49453 Phone 616-218-7278

I hereby authorize that the applicant as listed above is authorized to make this application for proposed work as my agent and we agree to conform to all applicable laws and regulations of the City of Saugatuck. I additionally grant City of Saugatuck staff or authorized representatives thereof access to the property to inspect conditions, before, during, and after the proposed work is completed.

Signature Robert Boyce (Trustee) Date 9/Feb/2015

REQUEST:

Map Amendment ☒ Text Amendment ☐

Description of Requested Amendment REZONE FROM CENTER RESIDENTIAL (CER) TO CENTER COMMERCIAL (CC)

RECEIVED
FEB 09 2015
CITY OF SAUGATUCK

Rezoning/ Amendment Application

Application # 15 - 001

STANDARDS FOR APPROVAL PER SECTION 154.176

1. Please explain how the rezoning is consistent with the policies and uses proposed for that area in the city's Master Land Use Plan;

THE PAST AND CURRENT USE OF THE AMERICAN LEGION BUILDING WOULD NOT CHANGE AND THE REZONING WOULD BE MORE IN LINE WITH THE OTHER STRUCTURES AND USES THAT FACE MASON STREET INSURING COMPATIBILITY BETWEEN LAND USES. THE TRI-COMMUNITY PLAN FROM 2005 IS CURRENTLY BEING REVIEWED AND UPDATED

2. Please explain how all of the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area;

THE PAST + CURRENT USE OF THIS PROPERTY WOULD NOT SUBSTANTIALLY CHANGE. THE COMMERCIAL + RETAIL USES THAT ARE ADJOINING + ACROSS MASON STREET WOULD BE MORE COMPATIBLE THAN THE CURRENT ZONING

3. Please explain how any public services and facilities would not be significantly adversely impacted by a development or use allowed under the requested rezoning; and

THE PAST + CURRENT USE OF THE STRUCTURE WOULD NOT CHANGE. NO ADDITIONAL PUBLIC SERVICES OR FACILITIES WOULD BE IMPACTED OR REQUIRED.

4. Please explain if the uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land.

THE PROPOSED REZONING WOULD BE BETTER SUITED + INSURE COMPATIBILITY WITH SURROUNDING PROPERTIES. THE CURRENT STRUCTURE IS NOT A RESIDENTIAL DWELLING.

ATTACHED SHEET WITH TYPED QUESTIONS + COMMENTS (1 TO 4)

OFFICE USE ONLY:

Application Complete _____ Date _____ Fee Paid _____ Date Paid _____

Notices Sent Paper _____ Resident Notification _____

Notes: _____

1. Whether the rezoning is consistent with the policies and uses proposed for that area in the city's Master Land Use Plan;

Comment: The past and current use of the American Legion building would not change and the rezoning would be more in line with the other structures and uses that face Mason Street insuring compatibility between land uses. The Tri-community plan from 2005 is currently being reviewed and updated.

2. Whether all of the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area;

Comment: The past and current use of this property would not substantially change. The commercial and retail uses that are adjoining and across Mason Street would be more compatible than the current zoning.

3. Whether any public services and facilities would be significantly adversely impacted by a development or use allowed under the requested rezoning; and

Comment: The past and current use of the structure would not change. No additional public services or facilities would be impacted or required.

4. Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land.

Comment: The proposed rezoning would be better suited and insure compatibility with surrounding properties. The current structure is not a residential dwelling structure.

CUNNINGHAM DALMAN PC
ATTORNEYS AT LAW

Andrew J. Mulder
Joel G. Bouwens
Kenneth B. Breese
Jeffrey K. Helder
Ronald J. Vander Veen
David M. Zessin
Randall S. Schipper
Susan E. Vroegop
Gregory J. McCoy
P. Haans Mulder
Vincent L. Duckworth

Kenneth M. Horjus
Nicholas R. Dekker
Jessica Arends
Paul F. Kraus
Alexandre M. Zucco

Of Counsel:
Gordon H. Cunningham
Ronald L. Dalman
James A. Bidol

May 10, 2016

Ms. Cindy Osman
Zoning Administrator
City of Saugatuck
102 Butler Street
Saugatuck, MI 49453

Regarding: American Legion Request for Rezoning

Dear Cindy:

Thank you for meeting with me Monday to discuss the rezoning request by my client, the Bruner Frehse American Legion Post #137, with regard to its property on Mason Street between Butler and Griffith Street. As I explained, they have requested this rezoning because they want to continue using their property as they have for the past eight decades and both their long-standing use and property fit more properly in the "city commercial" category than "residential" category. They have no intention to change the use they have been making of the property for the past 8 decades.

Their use can continue as a pre-existing nonconforming use, but a couple years ago an earlier zoning administrator told them they could not have a chicken BBQ because they had not held one for over 18 months so whatever pre-existing right they had to do that had lapsed. That reflects too narrow a view of how the American Legion has used its property. They have used their property as a meeting hall and for site for fund-raising to support both the costs of their property and the things they do for the community like sponsoring parades and placing flags on graves of area veterans. A chicken BBQ is just one type of fund raiser they have held over the years but the use is more properly seen as hosting a community event as a fund raiser.

Property Properly Zoned Commercial

The American Legion has operated at its current location 1939, before the Village of Saugatuck had zoning. It sits on Mason Street between a high volume retail store and a church and across the street from a bank and commercial parking lot. Behind it is the "back yard" of a parcel previously used as a residence but now vacant. The street in front of the property is marked for on-street parking, unlike the streets in residential zoning districts. The American Legion property is no more suitable for residential use than those parcels on the east side of Griffith between Culver and Mason. It has not been used for a residential use for at least 8 decades.

Rezoning the property to commercial would allow other commercial uses in the future. The American Legion has no intention or desire to sell its property—it holds it in trust so there would be no financial benefit to any member in doing so—or to change its basic use. However, the implication that rezoning would open the door to some horrible outcome is overblown. Your zoning ordinance limits the type of commercial uses permitted and any such use would also have to go through site

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plan approval. Any future commercial use by a future owner would likely look just like the commercial uses across the street and down the block. We understand when zoning was introduced, it was zoned "institutional" and later, when that category was eliminated, lumped into a residential classification along with the adjoining church. Interestingly the zoning ordinance at the time said that the purpose of this residential zoning district was for residential property on the edge of commercial uses that were expected to be repurposed for commercial uses. **[See Exhibit 1]** Should the American Legion ever disband and sell the property As you will recall, about a year ago the American Legion brought this issue to you and you agreed that it made sense to change the designation of this property in the master plan from residential to commercial. That was not followed up on but all the reasons that supported that conclusion then apply now.

Use Properly Zoned Commercial

The American Legion's use fits with "commercial" like the Saugatuck Women's Club, and less well with "residential". What led the American Legion to seek to rezone the property to "commercial", in fact, was a previous zoning administrator informing them that the uses they were making of their property could not be carried on in a property zoned for residential use. The property has not been used as a residence for at least eight decades. It has hosted pancake breakfasts, chicken BBQs, stage performances (magic shows, choirs, movies, plays, puppet shows, speakers, etc.), wedding receptions, graduation parties, and hundreds of other events over the past eight decades, in addition to being used by area military veterans as their base for their community activities like organizing Memorial Day parades and the placement of flags on graves of area veterans. These uses were carried on before the adoption of zoning and then while the property was zoned "institutional". They have continued while the property has been zoned residential. These events draw more traffic and visitors than would typically be desirable in a residential setting but work well given the property's location across from a public parking lot, streets marked for on-street parking, and non-residential neighbors.

The American Legion wants to be able to continue to use its property as it has for the past eight decades. Rezoning to "commercial" would be appropriate in light of the varied activities entailed in its use of its property as a meeting hall and activity center and fund raising location. It is not feasible for them to have to seek approval for each specific activity, not for them and not for the city, especially in light of the absence of complaints over the several decades they have operated. Thank you for your consideration of their request.

Very truly yours,
CUNNINGHAM DALMAN, P.C.

Randall S. Schipper
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RSS/aep
Enclosures
cc: William Hebert

EXHIBIT 1

1980 – Zoning Ordinance, Article 3.4 – District Objectives

1987 – Zoning Ordinance, Article 5.25 – District Objectives

Section (3)

Center Residential: This district is designed to accomplish the same objective as (Community Residential) except it will provide for more intense development and conversions of dwellings for limited retail or commercial use following review by the Planning Commission.

City of Saugatuck
EST. 1868

MEMORANDUM

TO: Planning Commission
City of Saugatuck

FROM: Cindy Osman
Planning Director

DATE: May 19, 2016

RE: Reduction in the number of parking spaces required for Bed and Breakfast Establishments

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A council person recently raised the question of the off-street parking requirements for B&Bs.

The ordinance currently reads as follows:

Minimum Automobile Off-Street Parking Requirements		
Types of Buildings and Uses	***Minimum Number of Parking Spaces Required per Indicated Unit***	***Unit of Measure***
Motion picture theaters	0.3	Per person based on maximum capacity
Or	1.0	Per 50 square feet of usable floor and/or land area devoted to assembly of recreation use on the premises
Motel/motor court or hotel/inn	1.0	Per sleeping unit
And	1.0	Per resident manager
Bed and breakfast	1.0	Per sleeping unit
And	1.0	Per resident manager

This inquiry highlights the tension between the demand for parking, and the desire not to pave over the entire yard at a B&B. This is especially noticeable at peaks of high demand and low supply, and times of low demand and over supply.

You can see that the requirement for a B&B is the same as for a hotel. I recommend the following amendment, in the case that you concur, we would need to set a public hearing, and publish the required notice.

Minimum Automobile Off-Street Parking Requirements		
Types of Buildings and Uses	***Minimum Number of Parking Spaces Required per Indicated Unit***	***Unit of Measure***
Motion picture theaters	0.3	Per person based on maximum capacity
Or	1.0	Per 50 square feet of usable floor and/or land area devoted to assembly of recreation use on the premises
Motel/motor court or hotel/inn	1.0	Per sleeping unit
And	1.0	Per resident manager
Bed and breakfast	1.0	Per 3 sleeping units or fraction thereof
~~And~~	~~1.0~~	~~Per resident manager~~

There is a kind of middle ground where you can provide "disappearing" off street parking that does not contribute to increased run-off. There is a wide variety of products that make for the "disappearing" parking.

Some examples include:

Respectfully submitted,

Cindy Osman
Planning and Zoning Administrator