

SAUGATUCK TOWNSHIP PLANNING COMMISSION

May 24, 2007

The Saugatuck Township Planning Commission held an informal review for the Saugatuck LLC on May 24, 2007, at Douglas Elementary School on Randolph Street, Douglas, Michigan 49406.

Present: Darpel, Hanson, Jarzembowski, Marczuk, Milauckas and Rausch

Absent: Edris

Also present: Atty Stephen Neumer and Henry L. Byma for Saugatuck LLC, many members of the general public and representatives of the media.

Chairman Hanson called the meeting to order at 7:10 P.M. and invited public comment. David Swan, 345 Griffith, Saugatuck, reminded the Commission that preserving the former Denison parcel is the number one priority in the Tri-Community Comprehensive Plan; that the state, conservancies, the City and a number of individuals have been trying to acquire this for the public trust for nearly thirty years; and that currently the DNR includes this entire Denison parcel as part of the Saugatuck Dunes State Park. Swan added that there is a new Saugatuck Dunes Coastal Alliance which is made up of Concerned Citizens for Saugatuck Dunes State Park, KRPA, Douglas Lakeshore Assn., West Michigan Shoreline Assn., Saugatuck-Douglas Historical Society, Michigan Land Use Institute and many other statewide groups; all these encouraging the Commission to “do the right thing.”

Dawn Schumann, 296 Lakeshore Dr., representing the S.D. Historical Soc., said their concern was for the Singapore site and Indian burial grounds. Hanson replied that the Commission has consulted the office of state archeologists but have not heard back.

Dayle Harrison, 3108 62nd St., representing the Kalamazoo River Protection Association, said even in the early ‘70’s the DNR was talking about the importance of this tract being protected because there is nothing like this ecosystem left. One unit per five acres, as zoned, will not give the kind of protection needed.

Hanson closed this public comment period and invited representatives of Saugatuck LLC to give their presentations. Hank Byma summarized the previous reviews of the north parcel of the former Denison property. This meeting concentrates on the south parcel, its flora and fauna. Byma, representing JJR, thanked Norm Deam for being a great resource, and proceeded to list the various ecosystems, working from the riverside west towards Lake Michigan: including the pine community along the river plain; the shrub scrub area; regulated wetlands, which will not be touched by development; the dune community, which has more diversity than on the north parcel, having some trees and grasses; and the foredunes with little vegetation other than grasses. Byma said the wetlands fluctuate so the 100-year-flood plain 584.5’ is the level used. Byma also listed the wildlife found on the parcel. In answer to a question, Byma said two botanists are on site two to three days a week. A biologist, a landscape architect and a horticulturist are

also on staff. He said they were looking for endangered species: pitcher's thistle, prairie warbler, spotted turtle, bladderwort, and ginseng; those of special concern: swamp rose mallow, Blanchard's cricket frog, meadow beauty, trailing white bean, etc.; and have found Blanchard's cricket frog.

Harrison asked how many wetlands they have found that are under five acres that they don't feel are regulated, and Byma said they have delineated all the areas and many are under five acres. Harrison also asked if they would respect the buffers around the wetlands when they build and Byma answered, "Yes." Fritz Royce asked how many acres Byma thought would be buildable, and Byma referred him to the green areas on the displayed map where flood plains, wetlands, dunes, bluffs, and setbacks have been subtracted. He also displayed the north parcel delineated in the same way. Byma said they would be verifying these with the DEQ and hoped to finish that this summer.

Milauckas asked when the Commission would see a building plan to evaluate, and Neumer said they hoped to have it late this summer or early fall, and they would contact the P.C. for a date. Neumer said he did not foresee any meetings before that. Byma said they would report any changes in conditions or special species they find, however.

Schumann reported finding more extensive wetlands in winter, and Ted Svoboda, who has taken care of the south parcel for 19 years, said the wetlands fluctuate only slightly with the Lake levels but are pretty much as pictured on these maps. He said with snowmelt it would appear wetter.

Allison Swan asked if the plan coming up in the fall would show roads, utilities, etc., and Neumer said the plan might not be as fully developed as one might want, but it would have all the information available at that time.

Royce asked if they have access to the south parcel and whether they have worked out an arrangement with the Deams. Neumer said, "No." Neumer added that there is a piece of property thought to belong to a Mason family (no one really knows to whom it belongs) that has not been taxed for 40 years. He said a possible connection would be through Fish Town Road, which connects to Park Street, but the question is how to get over the Deam property, would there be an easement of necessity? A river taxi could be used.

Kay Smalley, Park St., said she had heard the cricket frogs near the Deam property and asked about invasive plants, such as spotted knapweed, if they were taking over, and Byma said they had found it and it is spreading.

Dave Burdick, Douglas, asked about whether a marina might be on the south side of the basin as well as on the north side where the boatyard is and how they would document what they find relating to Singapore. Byma answered that it was still likely if there were a marina it would go on the north side and if needed, they would have someone on site to document whatever they find.

Felicia Fairchild, executive director of Convention and Visitors Bureau, wondered if they have abandoned the idea of selling any of this property to the City, and Neumer said they have not abandoned anything, but some return on this substantial investment must be made. He added they are still in conversation with all groups.

Keith Schneider, Michigan Land Use Institute, asked if when McClendon bought this property, he was aware of the all the legal, civic, etc. constraints there were, and Neumer said McClendon was aware there were interesting hurdles and hoped to satisfy everyone.

Jason Kalajainen, Holland, asked if Neumer were referring to developing the whole property or just the south side, and Neumer said, "The entire property."

Senator Patty Birkholz reminded everyone not to pick the flora anywhere on the property because of the danger of destroying the entire species. Neumer asked Sobota to monitor this. Birkholz asked about their meetings with the DEQ and Byrna said at his two meetings the DEQ had clarified the topography, setbacks, etc. so their maps agree.

Dan DeGraff asked if they were in negotiations to purchase the Pine Trail Camp property, and Neumer said they were in conversation with all the contiguous property owners. Allison Swan asked if they had approached the State of Michigan about the State Park and Neumer said, "No."

Ed Deam asked about the lines on the map nearest Lake Michigan and Byrna explained that nearest the Lake is the DEQ delineation, then the State setback, then the township line and the township setback, and the high point of the first ridge, or shelf, is 583 feet, and the second is 604 feet.

Ken Baughman, Saugatuck, said in his boat and breakfast business, he takes tourists from 7 countries and 22 states to see this natural shoreline, and when the development is done, the comments from the tourists will be "What beautiful homes." He wondered if McClendon has been asked to donate this property, and Neumer said, "Indirectly."

Phil Miller expressed frustration over the possibility of development on the south parcel because he thought it was inaccessible. He asked if the cooperation agreement made with Saugatuck LLC extended to the other properties it has acquired or hopes to acquire, and Hanson said they were not in the R-4 zone and that is what is covered by the cooperation agreement, which allows for discussions without the threat of a lawsuit. Neumer said this agreement was binding for six months and extends to three years.

Harrison asked if the Planning Commission could bring its own consultants to the site at the expense of the developer, and Hanson replied that could happen when they get to the development stage, but not now. Harrison also asked about the history of McClendon's interest in this property. Neumer said McClendon entered into a contract with the estate to buy an undivided half interest in the entire property sometime before Saugatuck LLC was formed.

Royce asked if there was a price on the property and how many units were anticipated. Hanson read the memo dated May 22 from Planner Sisson which analyzed the density possible under the previous zoning, based on JJR's maps with some adjustment for possible error in the Channel outlet: R-1 with utilities, 113, without utilities, 98; R-2 with or without utilities 66; R-3B with or without utilities 86, making a total of 265 with utilities and 250 without. The lot yield would be only 172, however, if the entire property is designated "critical dune," as the MDNR map indicates.

Janet Rund asked if any of these buildings would mar the coastline view as the high rises in Florida do, and was told it depends on the location, but that Saugatuck Township has a height limit of 35 feet. View shed was discussed.

Schumann asked where the previous zoning districts were on the map, and Neumer delineated them, the former R-3B being nearest the Lake, including almost all of the south parcel, and R-2 lying along the river. Hanson said he thought under R-4 zoning only 90 could be built on the entire property, but this analysis has not been made by Planner Sisson. Neumer said about 12 to 15 acres have been added to the holdings. Neumer said their number was 307.

Roy McIlwaine, Riverside Drive, expressed frustration with the slow process of meetings filled with lists and said he thought McClendon had two choices: to build out the property to the maximum or figure out a way to make this property public land. He lauded Phil Miller for his patience in negotiation with Saugatuck LLC. Neumer said he had had people express appreciation for all this information and repeated that he had always said they would share any information they had, but the development plans are not ready yet. Jarzembowski responded by complimenting him on the professionalism of these presentations, adding that he thought McClendon must have a "bottom line," the road mentioned to service the south parcel is already inadequate, the community already feels they own this property and worry about how it will be treated, and more space for recreation will be needed in the future. Jarzembowski hoped McClendon is getting all these messages from Neumer.

After a few more remarks, Milauckas stated that he hoped all this information would be made available to the public but from the Planning Commission perspective he was ready for the development plans. Neumer said they would continue to study the south parcel, share with the DNR and DEQ, and he promised the next meeting would be more concrete.

Meeting adjourned at 9:10 P.M. The next regular meeting is June 25 at 7:00 P.M. at the township hall.

Betty A. White, Recording Secretary

Sandy Rausch, Secretary