

**VILLAGE OF GRAND BEACH
PUBLIC HEARING
JANUARY 17, 2007**

President Jim Bracewell called the public hearing to order at 6:30 PM EST. Present in addition to Bracewell were Pete Carroll, Debbie Lindley and Kaye Moriarty. Bob Grim was not in attendance as he was in Florida.

Jim Bracewell explained that the public hearing was held on a request from Jim Bachleda and Mary Prescott for conditional rezoning of their property, described as lots 17 and 18 of Eiffel Tower Bluffs.

Larry Frankle represented Bachleda and Prescott and pointed out that Mr. Bachleda, his contractor and architect were in the audience.

Frankle explained that his clients were requesting conditional rezoning to allow them to construct an additional home on their property. He explained that they own two lots and have a home on one lot along with a swimming pool that is located on both lots. In a sense, this is considered one lot and under the current zoning ordinance they are not allowed to build a second home on this lot. With conditional rezoning of the property, the second home can be built as long as the applicants meet certain conditions set forth by the Village Council.

According to Frankle, one of the conditions is that if and when the lot is divided into two separate lots the swimming pool would need to be removed. Both houses would also be required to meet all Village set backs and zoning requirements for low density residential zoning and would each require its own septic system. Another condition is that the applicant will pay all associated costs for the rezoning of the property.

The property is currently zoned low density residential and will be rezoned to medium density residential if approved by the council. This rezoning will allow for the second home to be built on the property as long as the conditions were met.

Mr. Bachleda told the council that the house will be over 2,000 square feet which exceeds the minimum required 1,800 square feet and that the house will meet all setback requirements in the low density zoning district. Clerk Mary Robertson reminded Mr. Bachleda that the house needed to be located at least ten feet from any pool wall.

Village Attorney, Sara Bell informed the council that they are acting as a planning commission for this meeting. She told them that they must consider section 10.05 of the zoning ordinance when making a recommendation to the council for approval or denial of this request. After discussion Bell told the council that she felt that all of the standards contained in section 10.05 have been satisfied.

Debbie Lindley questioned the address of the second structure. Frankle stated that since this will be one lot, the address will be the same for both houses. He added that

both houses will be accessed through the same driveway and for 9-1-1 purposes; they will use the same address. If the lot is ever split, the second house will be given its own address.

Attorney Sara Bell asked if there was any more public comment and there was none.

Pete Carroll moved, with support from Jim Bracewell that the planning commission recommends the rezoning of lots 17 and 18 of Eiffel Tower Bluffs to the council for approval and that the item is added to the agenda for the January council meeting. Motion carried unanimously 4-0.

With no further business, the public hearing was closed at 6:50 PM EST.

Respectfully Submitted,

Mary J. Robertson
Clerk/Treasurer

**VILLAGE OF GRAND BEACH
PUBLIC HEARING
JANUARY 17, 2007**

President Jim Bracewell called the public hearing to order at 7:00 PM EST. Present in addition to Bracewell were Pete Carroll, Debbie Lindley and Kaye Moriarty. Bob Grim was not in attendance as he was in Florida.

Jim Bracewell explained that the public hearing was held on a request from Larry Frankle, representing Grand Beach Land Development for site plan approval for the Hamburger-Mathias Nature Preserve Condominium Site Plan.

Larry Frankle told the audience that this is an approximate 21 acre parcel of land bordered by Arnold Avenue, Grand Beach Road, Deer Park and Robin Lane. The parcel has been laid out to include 17 lots with the smallest lot a little larger than half an acre and the majority of the lots at approximately three quarters of an acre with a nature preserve in the middle of them.

Frankle stated that they have been working with the DEQ to beautify the nature preserve by planting wildflowers. He said they will add a nice sign to announce the location of the nature preserve, similar to the sign located at the Nature Conservancy, but will not have a sign for the subdivision. All village residents will be able to access the nature preserve through a 20' wide easement. He said that the only thing that would ever be allowed to be built in the nature preserve are walkways, decks and a gazebo, but these would require DEQ permission and a Village of Grand Beach building permit.

Frankle stated that he has been working on this subdivision for about the last seven years and is now asking for site plan approval for the division which will now be called a condominium site, but will still include all detached single family homes. A condominium site plan is just one way of dividing land and is much quicker than getting approval from the State of Michigan for a platted subdivision.

He added that they have been working on the roads and have contacted Village Engineer, Larry Merritt of Merritt Engineering so that they can be sure that the roads are built to the Village standards. He told the council that the roadway right-of-ways will be 40' wide, with the actual paved area of the road to be 22' wide, which is consistent with all of the other roads in the Eiffel Towers area.

He said that they have talked with the Berrien County Health Department regarding septic systems and that all of the lots will require the septic systems to be located in front of the house, between the road and the house. Grand Beach Land Development has reserved a sewer easement for the Village and if sewer ever becomes available, state law requires that anyone located within 200 feet of the sewer must hook up.

He said that they have had all utilities including water, gas and electric installed underground and that the cable television lines will be installed in the spring.

He said that these building sites are not any different from any building sites located in other subdivisions. Each lot will have its own tax identification number, utilities and building permits.

Kaye Moriarty told Frankle that the soil erosion permit that was submitted showed only 14 lots and he stated that he will have a new permit forwarded to the Village which will include all 17 lots with the same restrictions.

Frankle told the council that lots one through five will require DEQ permits prior to obtaining a Grand Beach building permit.

Jim Bracewell read the findings of the council regarding the Hamburger-Mathias site plan which included:

- I. The Village Council finds that the site plan complies with the requirements of the Village of Grand Beach Zoning Ordinance.
- II. The Preliminary Site Plan has been approved and recommended, with conditions, by the Village Zoning Administrator.
- III. A hearing of the public has been held as required by the Zoning Ordinance.
- IV. The Site Plan may be approved subject to conditions A through I as presented.

Attorney Sara Bell asked if there was any more public comment and there was none.

Jim Bracewell moved, with support from Pete Carroll to add the final site plan approval to the regular council meeting. Motion carried unanimously 4-0.

With no further business, the public hearing was closed at 7:30 PM EST.

Respectfully Submitted,

Mary J. Robertson
Clerk/Treasurer

**VILLAGE OF GRAND BEACH
REGULAR COUNCIL MEETING
JANUARY 17, 2007**

President Jim Bracewell called the regular council meeting to order at 7:40 PM EST. Present in addition to Bracewell were Pete Carroll, Debbie Lindley and Kaye Moriarty. Bob Grim was not in attendance as he was in Florida.

K. Moriarty moved, with support from D. Lindley to approve the minutes of the Regular Council Meeting of December 13, 2006. Motion carried unanimously 4-0.

Commission reports:

Building & Zoning: Nothing to report.

Parks & Beaches: Nothing to report. Jim Bracewell mentioned that he had been notified of a concern regarding the ice rink and Pete Carroll stated that the weather was now cold enough to freeze the ice.

Streets & Water: Bob Grim was not in attendance.

Police: Debbie Lindley reported that Officer Jamie Flick will be attending firearms instructor training in May.

Pro-Shop & Golf: Pete mentioned that the information regarding a price increase by ServiScape contained within a report was incorrect. The golf maintenance budget had increased by seven percent, but the management fee had only increased by three percent.

ServiScape: Kevin Dolson of ServiScape told the council that they are now at the Dunes Club working on Village equipment and have almost finished repairing the fairway mower.

In addition to his written report, Superintendent Bob Dabbs added that they have started the brush pile on fire and have notified New Buffalo Township of the same. The fire will burn for a long time.

Police Chief Dan Schroeder and Building Inspector Bill Owens had nothing to add to their written reports.

Debbie Lindley moved, with support from Jim Bracewell to approve the bills with additions as presented. Motion carried unanimously 4-0.

The first thing under old business was the planning commission discussion. Jim Bracewell told the council that he has a stack of master plans provided by Larry Frankle. He has read them and will circulate them to other council members. He stated that he

is in favor of the planning commission but believes that the council needs to be well versed on this. He asked that this item be added to the agenda for the February meeting. It was also mentioned that many communities hire a consultant to help develop a master plan.

Golf Commissioner Pete Carroll asked that the year end golf review be added to the February agenda so that he will have time to meet with Nick Sinnott of ServiScape who is currently helping his parents relocate.

The first thing under new business was an ordinance to amend the zoning district map for conditional rezoning of lots 17 and 18 of Eiffel Tower Bluffs. At an earlier public hearing, the council, acting as the planning commission recommended that the council approve the conditional rezoning of the two lots located in Eiffel Tower Bluffs.

The rezoning contains many conditions that must be met by the applicants in order to have the property rezoned to allow them to build a second home on their two lots that now include one home and a swimming pool.

In addition to the conditions, Attorney Sara Bell added Item 6. under Section Three to the ordinance that states that the applicant agrees to pay the Village's actual costs to review the proposed rezoning.

President Bracewell read the ordinance which included all conditions along with the item that stated the applicants agree to pay the Village's actual costs to review the proposed rezoning. Once the ordinance was read, a correction was made to Section Two, Item 1. to state that, Upon the sale, transfer or change of ownership of either individual lot, the conditional rezoning shall terminate and the property shall revert to Low Density Residential District.

Kaye Moriarty moved, with support from Debbie Lindley to adopt ordinance #2007-71 as corrected. In a roll call vote the motion carried unanimously 4-0.

Roll call vote:	James Bracewell	Aye	
	Pete Carroll	Aye	
	Debbie Lindley	Aye	
	Kaye Moriarty		Aye

Next on the agenda was the final site plan approval for the Hamburger-Mathias Nature Preserve Condominium Site Development. Prior to the regular council meeting there was a public hearing held regarding the condominium site plan request made by Grand Beach Land Development.

Following the reading of the Final Site Plan Approval by Jim Bracewell, Debbie Lindley moved, with support from Pete Carroll to approve the Final Site Plan for the Hamburger-Mathias Condominium Site as presented. Motion carried unanimously 4-0.

Kaye Moriarty moved, with support from Jim Bracewell to approve the 2007 meeting schedule as presented. Motion carried unanimously 4-0. The meetings will continue to be held on the third Wednesday of the month at 7:30 EST, with the exception of November and December of 2007. The November and December meetings will be held on the second Wednesday of the month due to the Thanksgiving and Christmas holidays.

Jim Bracewell moved, with support from Kaye Moriarty to approve a hall rental request from Kathryn Cate for October 13, 2007. Motion carried unanimously 4-0.

During the audience recognition portion of the meeting, Attorney Patricia Carpenter addressed the council regarding a request by her client, Shawn Armstrong for a building permit on Walnut Street. Village Attorney Sara Bell stated that she and the Building Inspector had met to review all of the streets in the Village that were previously vacated and might present a problem in the future.

Larry Frankle told the council that to file suit to vacate all of these streets would cost the Village a tremendous amount of money. He felt that there would be some cost savings by filing suit for all of the streets at once, but that the major expense would be the surveying cost. He suggested that the council not proceed with this, but realized that something needed to be worked out so that the Armstrongs could proceed with their plans. He felt there were other things that could be done to take care of this problem.

Jim Bracewell directed Sara Bell to put the Walnut Street vacation on top priority. He asked her to work with Attorney Carpenter regarding contacting the Armstrong's Title Insurance Company to see if they would share in the cost of the street vacation.

Jim Bracewell stated that Karen Johnson had given a gift of a painting to the Village to be hung in the ladies room in the hall. He added that she had other requests that would be added to the February agenda.

Debbie Lindley moved, with support from Jim Bracewell to adjourn. With no further business, the meeting was adjourned at 8:40 PM EST.

Respectfully Submitted,

Mary J. Robertson
Clerk/Treasurer