

DUNE ACRE PLAN COMMISSION
MINUTES October 13, 2014

The meeting was called to order at 7:30 pm. Present were Tom Cornwell, Jane Dickey, Richard Hawksworth, and David Rearick. Absent were Robert Lauer, Lou Mellen, and John Sullivan. It was moved by Jane Dickey, with second by David Rearick, that the minutes of the September 8, 2014 meeting be approved. Favorable vote was unanimous.

The business of the meeting was the continuation of the review of the preliminary plat for the proposed Dune Acres 13th subdivision. The proposed subdivision would create 2 lots on approximately 3.5 acres abutting West Road on the south and Lake Michigan on the north. The lots exceed Dune Acres size requirements, specifically:

	<u>Width</u>	<u>Depth</u>	<u>Square Footage</u>
Minimum requirement	150	140	21,000
Lot one	170	345	51,500
Lot two	252.95	325	79,705

Access to both lots is directly from West Road, utilities currently run on the south side of the property, and the proposed subdivision of the property does not include the construction of any infrastructure. The preliminary plat was presented at the September 8, 2014 meeting. During the review, it was determined that the developer, the Flora Richardson Foundation, and the Town of Dune Acres had not reached an agreement about the need for a park donation. Because such a donation may require a modification to the preliminary plat, further consideration of the plat was postponed until the details of a possible park donation were settled. The plan commission has been informed by the developer and by the Dune Acres town board of their agreement to a monetary contribution. There are no changes to the preliminary plat presented at the plan commission September 8, 2014 meeting. Attorney Todd Leeth and engineer John Hannon, representing the developer, reviewed the preliminary plat and responded to plan commission questions. The developer requested the Tentative Approval of the Preliminary Plat and that a public hearing be scheduled.

Mr. Cornwell distributed the written report by Rensberger Land Surveying. Mr. William Rensberger is acting as the planning engineer for the plan commission and has completed his review of the preliminary plat. Mr. Rensberger recognized that no utility easements and infrastructure were proposed. He did not find anything that was not in compliance with Dune Acres ordinances.

Speaking from the floor, Cheryl Evans restated her opinion that a December 9, 1957 action by the Dune Acres town board (now town council) restricted the use of the Richardson property to one building. Mrs. Evans had expressed her opinion earlier and research has been completed by the plan commission. In 1957 Flora Richardson sought a building permit to construct a new single family residence on her property. In October 1957 the town board granted the building permit with the condition that an existing residence be demolished. A performance bond was required to guarantee that the condition was met. At the December 9, 1957 meeting Richardson requested that the town board reconsider the condition and that the existing structure be allowed to remain. The town board responded in part "...in view of all the circumstances, it was felt necessary to stipulate that two buildings would not be permitted on the same property." The record is limited and cryptic. Interpretations other than Mrs. Evans are possible. Such interpretations are more limited, simpler, and may be more consistent with the record and the then surrounding circumstances. The plan commission thought that it was unlikely that the town board in 1957 would act to prohibit the subdivision of a 422 foot wide parcel when 80 foot wide lots were permitted. The plan commission recommended that the town council review the

matter.

Mr. Cornwell directed the plan commission to Dune Acres Town Code Section 30-24 (b) (5) concerning Tentative Approval of Preliminary Plats that states in part:

Approval of a preliminary plat by the plan commission is not an acceptance of the subdivision plat for record and shall not be indicated on the face of the preliminary plat. Such approval shall be deemed only tentative approval of the subdivider's application, and shall constitute only an expression of approval of a general plan as a guide in the preparation of a final plat for final approval and recording, upon fulfillment of all requirements of the regulations. Such tentative approval shall not limit the plan commission in introducing changes or revisions which it may subsequently deem necessary to the interests and needs of the community.

It was moved by David Rearick, with second by Jane Dickey, that tentative approval of the preliminary plat be given. Favorable vote was unanimous.

It was moved by Richard Hawksworth, with second by Jane Dickey, that the public hearing for the subdivision of the Richardson property be set for November 10, 2014, at 7:30 pm. Favorable vote was unanimous.

Meeting was adjourned at 8:45 pm.

Respectfully submitted,
Joan Rearick, secretary