



Planning Commission Meeting Minutes

The Planning Commission met for a Regular Committee Meeting, May 18, 2023, at
7:00 p.m. at City Hall
102 Butler St., Saugatuck, MI 49453.

1. Call to Order/Attendance:

The meeting was called to order by Chair Manns at 7:00 p.m.

Present: Chairman Manns, Vice-Chair Broeker, Commission members: Anderson, Bagierek, Gardner, Gaunt, LaChey.

Absent: None.

Others Present: Director of Planning, Zoning, and Project Management Ryan Cummins, City Attorney Chris Patterson, and Deputy Clerk Sara Williams.

2. Approval of Agenda:

Motion by Gaunt, second by LaChey to approve the agenda as presented for May 18, 2023. Upon voice vote, motion carried unanimously.

3. Approval of Minutes:

Motion by Gardner, second by Anderson to approve the minutes as presented for regular meeting April 20, 2023. Upon voice vote, motion carried unanimously.

4. Public Comment on Agenda Items: None.

5. Old Business:

A. 245 Spear St – Special Land Use Request for a Rented Accessory Dwelling Unit and Site Plan Review

Chair Manns wanted to remind everyone that was in the room and online that the Commission did hold a Public Hearing at the April Planning Commission Meeting regarding this property. They heard from the applicant, they had two comments in support of the ADU, and there were no opposing comments, so the Public Hearing was closed. They began their deliberations and determined that they needed more information, or at least requested it so it was tabled until the May 18, 2023, meeting.

Commissioner Gardner wanted to indicate that he is one of the co-applicants and recused himself from the conversation and joined his wife Jennifer in the audience.

Zoning Administrator Cummins gave a brief update. The applicants were in front of the Commission this evening to present additional information that the Planning Commission was looking for. There were some questions about the size of the principal dwelling as far as its gross floor area to determine the size that was going to be allowable for the accessory dwelling unit. Further planning as far as if the size of the accessory dwelling needed to be produced how that space was going to be reduced or separated. There were also some questions about the parking area and the applicant has submitted additional materials in the packet for the commissioners to review.

Jennifer Rees provided an update to the application as they had some open areas from the last meeting. She submitted three additional pages and said that she answered them sufficiently and would be happy to walk the commission through the updates or answer any additional questions.

Motion by Bagierek, second by Gaunt to approve the application with contingency based upon it being a one-bedroom request and that a permanent wall in the space in between the studio and the living area is added instead of a locked door.

A roll call vote was taken:

Yes: Commission Chair Manns, Commissioners Anderson, Bagierek, Broeker, Gaunt.

No: Commissioner LaChey.

Excluded from vote: Commissioner Gardner.

Motion carried 5-1

B. Short-Term Rental Task Force – Verbal Update

Short-Term Rental Taskforce Chairwoman Anderson gave an update on the STR Rental Task Force. She thinks that they are making good progress. The second meeting was held this afternoon and the McKenna folks joined them again to look at some high-level data on comparable cities in a good discussion around the grounding information. Zoning Administrator Cummins walked them through what the Saugatuck current ordinances are. McKenna walked through and gave their perspective. They talked about what cities are comparable. It was a good discussion; they had a lot of comments. Both people were very supportive, as they'd heard in these meetings, and were raising the importance of their investments in the city. They also had a number of people comment on the pain of having a lot of short-term rental neighbors. Looking forward, each of the taskforce members are going to send Zoning Administrator Cummins the positives and negatives, and the opportunities, and they can start collecting that information that will create a living document. As they learn more, they can add to that. As they get data from the community, they can add that as well. They are going to talk about engagement plans, so at the next meeting they can really dig into how they'll engage their different stakeholders and the kinds of information they want to get. And then importantly, what other data they want McKenna to dig into, especially looking at some economic impact, because they didn't, that's not part of what they initially agreed to with them. But they know that there's a need for that. She

thinks that it will be an interesting ride for all of them. She feels that everyone is very open-minded and respectful.

6. New Business:

A. 703 Pleasant Street – Public Hearing for a Special Land Use Request for a Rented Accessory Dwelling Unit and Site Plan Review

Public Hearing Information

A. Hearing is called to order by Chair Manns at 7:42 PM.

B. Summary by the Zoning Administrator:

The applicant has applied for special land use approval to rent an existing accessory dwelling unit (ADU) at 703 Pleasant Street (Community Residential R-1) in accordance with Section 154.026 (C)(3) of the Zoning Ordinance. The purpose of this memo is to provide a compliance review related to all applicable zoning standards and requirements and to assist the Planning Commission with developing findings related to special land use and site plan standards and specific requirements for the rental of ADUs.

A garage with a second floor ADU living space was approved in 2013. The square footage of the second floor living space provided by the applicant is 575 square feet. However, a detailed drawing with measurements was not provided. The owner now wishes to manage the rental of the ADU. If a short-term rental, the ADU rental must also be permitted administratively in accordance with Section 154.022 V.

C. Presentation by the Applicant:

Applicant Bruce Hager presented the application to the Commission. He stated that he and his wife purchased the home in October of last year. While they purchased the space and plan to use the space for friends and family to visit, they would also like to have the opportunity to rent it out. It is a one-bedroom studio so there would be no more than three people. They aren't interested in having a large party house or anything of that sort. They will be looking to work with Jaqua Realtors to help them manage the property. The property will also go through all of the inspections from the fire department and make sure it is up to code.

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 three minutes.
 1. Supporting Comments (audience & letters): Brian Schipper, resident (email).
 2. Opposing Comments (audience & letters): None.
 3. General Comments (audience & letters): None.
 4. Repeat Comment opportunity (Supporting, Opposing, General): None.

E. Public comment portion closed by the Chair at 7:53 pm.

F. Commission deliberation:

Commissioner Bagierek disclosed that he lives three houses West and down the hill from this property. He said that they talked about it and don't feel that he has a financial interest. He is not a bordering property.

Chair Manns said that one of the things that they discussed in the training they just had earlier this afternoon is that, although he believes that the Zoning Commissioner will also attest that there's nothing in our ordinance as far as that being an actual conflict. It was noted that from a legal standpoint that they could vote as a commission to recognize that and they have the ability to say that they agree that he's not in conflict and can remain and vote on this issue, or they can vote that he needs to recuse himself. He personally doesn't think that he has a conflict given where Commissioner Bagierek's home is and where the home is on Pleasant Street. He asked the Commission if they wanted to make a motion if they feel he does not have a conflict.

Motion by Gardner, second by Manns that the Planning Commissioner Bagierek does not have a conflict with this application. Upon voice vote, motion carried unanimously that Commissioner Bagierek has no conflict.

The board went into deliberation and discussed the standards for the requested special land use approval to rent an existing accessory dwelling unit (ADU) at 703 Pleasant Street (Community Residential R-1) in accordance with Section 154.026 (C)(3) of the Zoning Ordinance. The purpose of this memo is to provide a compliance review related to all applicable zoning standards and requirements and to assist the Planning Commission with developing findings related to special land use and site plan standards and specific requirements for the rental of ADUs.

G. Commission action:

Motion by Gardner, second by Gaunt, that the application for special land use permit for a short-term rental for 703 Pleasant Street as presented be approved. There was no vote as the Commission clarified that the request was for a rented accessory dwelling unit.

Commissioner Gardner amended the motion to approve the application for 703 Pleasant Street for a special land use permit for a rented accessory dwelling unit. Upon roll call vote, motion carried unanimously.

B. Proposed Zoning Ordinance Amendment Public Hearing – Temporary Waterfront Commercial Development and Construction Moratorium.

Public Hearing Information

A. Hearing is called to order by Chair Manns at 8:04 PM.

B. Summary by the Zoning Administrator:

On March 27, the City Council adopted a police powers ordinance that establish a temporary waterfront commercial development and construction moratorium, which was a moratorium on permitting approval and consideration of new building construction, existing building expansion and site development, putting parking and site improvements in all waterfront locations in the Water Street North, Water Street South, Water Street commercial, and resort zoning districts. Now that the City Council has adopted that police powers ordinance and as we discussed that at your last meeting based on some recent court decisions, staff and legal counsel recommended the planning commission review and consider a corresponding zoning ordinance amendment to make a recommendation to the Council on whether or not to adapt a corresponding zoning ordinance amendment along those same lines. Before you this evening, is that proposed corresponding zoning ordinance amendment.

C. Presentation by the Applicant: None.

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 three minutes.
 1. Supporting Comments (audience & letters): None.
 2. Opposing Comments (audience & letters): None.
 3. General Comments (audience & letters): None.
 4. Repeat Comment opportunity (Supporting, Opposing, General): None.

E. Public comment portion closed by the Chair at 8:08 pm.

F. Commission deliberation: None.

G. Commission action:

Motion by Anderson, second by LaChey to recommend the adoption of an amendment to the zoning ordinance establishing a temporary waterfront commercial development and construction moratorium.

A roll call vote was taken:

Yes: Commission Chair Manns, Commissioners Anderson, Bagierek, Broeker, Gardner, Gaunt, LaChey

No: None.

Motion carried unanimously.

C. Waterfront Development Zoning Ordinance Review:

Zoning Administrator Cummins explained that the City's consultant David Jirousek unfortunately, wasn't able to make it to the meeting as expected. He has been hard at work, kind of going through your court and ordinances and is on track as part of that review. He anticipated during this meeting he would have some additional discussion about public engagement and surveys. The short-term rental task force had some homework that was given to them. Mr. Jirousek has asked that the planning commissioners be assigned some homework as well. What he's done is written a memo that was put on your desk, just prior to your meeting that essentially outlines the potential questions that you could ask as part of a visual preference survey and provide some more detail on that. So, what he would prefer is that in the next two weeks that each of you review those questions, and then provide him (Zoning Administrator Cummins) with some feedback on what you like, what you don't like, additions or subtractions, or any thoughts you have. Zoning Administrator Cummins will compile all of that information and provide it to Dave. He said that at your next meeting, you can have a little bit of a deeper dive into what the maybe the final survey looks like next steps with public engagement, and then some further discussion about where we're at with the review.

7. Communications: None.

8. Reports of Officers and Committees:

A. Zoning Administrator Activity Report: Director of Planning, Zoning, and Project Management Cummins gave brief update on his report.

9. Public Comments:

- Jennifer Rees, Resident, says that she loves the fact that the Commission is moving in the realm of doing the listening campaign for the community. What she has noticed is that she may be closer to the City stuff than she ever thought she would be. She said that 80% of the people in this town don't know what is going on, but 100% are affected by it. She thinks the listening campaign is very important and the Commission is also getting into an explainer campaign, which is equally important. She would like to emphasize that where the Commission is going with the zones and the table and what is what because if she's a layman and she talks to someone, she would say that 80% don't actually know what's going on. She really appreciates all the work to get this going. She thinks that it is great that it is being addressed. She would also like to say to the Planning Commission that she thinks that there is an opportunity to unify standards across the board as far as measurements go, what parking is for in what part of town, how things are

measured, and how they are enforced. She thinks that there is a huge opportunity for the Commission to do that.

10. Commission Comments:

- Commissioner Gardner: He questioned the home at 633 Butler Street regarding the fact that it was sold last summer, and they have an ADU. He is not sure if it is two rentals or not. He thinks that it is something that the Commission should look at because it changed ownership. He isn't sure if they are renting the ADU and the house separately, or if they are renting as one. It has been brought to his attention by neighbors. Commissioner Gardner also stated that there are a couple of homes on Park Street and one of them is literally falling in on itself, which is essentially a derelict property. He is unsure of the address but will get it. He said that it definitely needs to be addressed because it is a public safety issue. Commissioner Gardner also asked if the city is subject to the Zoning ordinance. He said that the reason he asked is that there are going to be proposals coming up for different projects in their parks and the parks are zoned. He is curious if the City is subject to the Zoning ordinance.
- Chairman Manns: He thinks that it has been a positive meeting and a positive day. As always, he thanks the Zoning Administrator and their staff that is here, putting in all the additional time to make all these things come together. He said that he thanks the members of the community for their consistent participation.

11. Adjournment:

Motion by Gaunt, second by Bagierek, to approve adjournment of the meeting. Upon voice vote, motion carried unanimously. Chair Manns adjourned at 8:34 pm.

Respectfully Submitted,

Sara Williams, City Deputy Clerk & DPW Administrative Assistant