



Planning Commission Meeting Minutes

The Planning Commission met for a Regular Committee Meeting, April 20, 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 Kyle O'Meara, and Deputy Clerk Sara Williams.

2. Approval of agenda:

Motion by Gaunt, second by LaChey to approve the agenda as presented for April 20, 2023. Upon voice vote, motion carried unanimously.

3. Approval of Minutes:

Motion by Anderson, second by Gardner to approve the minutes as presented for regular meeting March 16, 2023. Upon voice vote, motion carried unanimously.

4. Public Comment on Agenda Items: None.

5. Old Business:

A. Short-Term Rental Task Force – Verbal Update

Director of Planning, Zoning, and Project Management Ryan Cummins, Chair Manns, and Planning Commission member & Short-Term Rental Taskforce Chairwoman Anderson gave an update on the STR Rental Task Force process. Commission Member Anderson and Director Cummins met with the McKenna Team to talk about the overall framework for how they see the taskforce working and then they discussed the agenda for the first meeting on May 4th. They think this is a sharp team, they had good questions, and were very collaborative, and very stoked to be working on this project. Director Cummins is getting McKenna data so they can start getting the lay of the land from the numbers perspective and hopefully be able to provide some of that data at the first meeting. A lot of the focus of the meeting will be getting people

grounded in how the meeting works and sort of what to expect over the coming months. Commission Member Anderson thinks they are well-positioned.

Planning, Zoning, And Project Management Cummins said that the McKenna team is excited to get started and work with the City of Saugatuck. She said that the first meeting will be a lot of housekeeping but also discussing what the plan will be and what the timeline looks like for the next several months. They will start looking at initially what needs to be gathered data wise to be able to make some informed decisions.

Commission Member Anderson explained that everyone on the Task Force has been appointed by City Council. She has reached out to them individually to encourage them to reach out if they have questions beforehand. People are excited and engaged and as they need to draw on resources throughout the state, they will be eager to dive in.

Commission Chair Manns said that there were people that questioned the candidate's eligibility regarding whether they were citizens or not or had questions on some of the individuals. He and Mayor Dean spoke to several of them to explain the characteristics of the team that they were building and what strengths everyone brought and how they would give you the representation of what they could bring into the group from the community. They felt very comfortable. They also reached out to a few of them that were named in the meetings as examples of those that are not, whether it was a realtor or resident, to make certain that they were comfortable. They were very pleased that the members are still excited and realize that they will be watched a little more closely. The ones that were very strong candidates have reached out and he would like Commission Member Anderson to reach out to them directly as we are putting things together to try to make certain that they are participating. The goal is to have more than just the nine-member task force participating so that it's a strong group and everybody is in place, but they also have citywide support for the task at hand and then the players that they have in place.

Commission Member Anderson said that the thing that they are really trying to stress is that the task force is only nine people. If people feel like a group is underrepresented or if their point of view is underrepresented, they are really encouraging them to reach out to the task force. If they feel that they need to carve out some time in their meetings to make sure that their voice is heard, that is what they will do. This is all about listening so we can learn and understand, then move this forward. That is a topic she will be stressing.

Commission Member Gardner thanked Chairman Manns and said that he doesn't know what the future holds but it's a very exciting process to go through. He said that he had two candidates that didn't get selected for the task force that were disappointed in the decision. He really appreciated Chair Manns being open to calling these individuals and talking them through the process. He asks them if they felt as if they were treated fairly and the answer to the question has been yes. He appreciates the effort by Chair Manns and Mayor Dean to make sure that people feel as though they were treated fairly and were listened to. He also said that he spoke to a local realtor and was told that he heard there were discussions taking place that South Haven was the model that the task force would be looking at. He only requests that the group not address the solution before they talk about the problems.

Director Cummins responded that there has been no discussion regarding the South Haven model. The only time that he has talked to South Haven about short-term rentals was recently when they asked for some of our data because they are doing an evaluation themselves. He wants to make sure that the Planning Commission is aware that the task force will operate similarly to all Committees, Boards, and Commissions and the City Clerk will send out a packet to the Commission members and the public as well as being posted on the City website.

6. New Business:

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

Commission Member Gardner stated that this is an application for his homestead property and noted that they do live there. The home has been in his family for over 60 years. He will be recusing himself from the discussion. He will be joining his wife Jennifer in the audience, and she will be answering any questions during the presentation. He appreciates the Commissions consideration of their application.

Director Cummins gave the Commissioners a brief update on the bylaws and how the situation is handled in the case of a direct financial interest by a Commissioner being the homeowner and the applicant. In this case the bylaws states that no member of the Commission shall participate in the hearing or decision of the Commission on any zoning matter other than the preparation and enactment of an overall or comprehensive plan or zoning ordinance, which is not the case here. So, in this case, he has direct financial interest, and wouldn't necessarily be able to answer questions during the public hearing. If there is something before the public hearing is open that he wishes to present, he would have the opportunity. Director Cummins wanted to make it clear that Commission Member Gardner would not be able to answer any direct questions during the public hearing itself.

Public Hearing Information

A. Hearing is called to order by Chair Manns at 7:15 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 245 Spear 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 ADU's.

The HDC approved a garage renovation and conversion of the 768-square-foot building on September 3, 2020. The building was also approved as an ADU administratively. While initially intended for family occupancy, 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.

Special land use requirements for a rented accessory dwelling unit require that in a rented accessory dwelling unit conform to all sections of provisions of an accessory dwelling unit in your ordinance. There are several other requirements related to general site plan review a general special land use conditions that must be met as well. An analysis and comments related to those requirements have been provided in your packet for your review.

One item of note that was flagged as a concern is related to the size. The accessory structure itself as indicated is 768 square foot. The applicant's application indicates he wishes to have a two-bedroom accessory dwelling unit. The ordinance has a maximum size requirement of 600 square foot or 30% of the floor area of the home. It would be the lesser of those two. It wasn't clear in the application materials the size of the home to determine whether or not it is essentially over 1800 square foot then 600 is going to be the maximum or we'll have to take 30% of that square footage to determine what is the maximum size of the accessory dwelling unit.

A few potential options that the Planning Commission could discuss, or the applicant could discuss as far as showing compliance with that square footage requirement could involve certainly going to the Zoning Board of Appeals to file for a variance to have a higher amount of square footage in the accessory dwelling. That would be an option that they would have. They could request a Zoning Ordinance text amendment to change the size requirements. Perhaps the Planning Commission would be willing to allow the applicant to demonstrate in some way that they've kind of closed off a section of the accessory structure so that the portion used for accessory dwelling unit purposes is at 600 square feet or a lesser amount if it needs to be a lesser amount. Those are all options for the Planning Commission to discuss this evening.

C. Presentation by the Applicant:

Applicant Jennifer Rees (Russ Gardner's wife) presented the application to the Commission. She said the intention was to build the ADU for her father who is 80 years old, whom they requested to move from Chicago to live with them in Saugatuck. It is also the end goal to get her father into the ADU. This is an interim step for them. They created this vision and built it during Covid. For those that bought anything during Covid can understand that the budget and the cost quickly went above what they budgeted for. They are seeing this as a short-term step. This is not a get rich quick scheme. They have no interest in doing long-term rental at all. It is frankly a way to stay on the right side of the budget and continue to be in this home and part of this community. They do not know the exact square footage of the home so they can't do the math on the 30%. They aren't totally sure that they would rent it as a two-bedroom. There is flexibility around the original studio area that you noted.

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):
 - Russ Gardner, City of Saugatuck resident.
 - John Suarino, City of Saugatuck resident.
 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 7:40.

F. Commission deliberation:

The Planning Commissioners deliberated on the requirements. Director Cummins explained the notes from the previous Zoning Administrator related to the size requirement when the Historic District review occurred. The consensus of the Planning Commissioners with further information was needed to make a decision.

G. Commission action: Chair Manns closed the Public Hearing at 7:40 PM.

Motion by Bagierek, second by Gaunt to postpone the awaiting the updated further clarification of the existing home square footage, the ADU square footage with the delineation, and with the driveway included showing the parking places until the next Planning Commission Meeting on May 18, 2023.

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. Zoning Ordinance Amendment – Temporary Waterfront Commercial Development and Construction Moratorium:

On March 16, the Planning Commission reviewed a proposed police power ordinance to enact a temporary moratorium on permitting, approval, and consideration of new building construction, existing building expansion, and site development (parking and site improvements) in all waterfront locations in the Water Street North, Water Street South, Water Street Commercial, and Resort Zoning Districts. The Planning Commission voted 5-1 to recommend to City Council that they adopt a police power ordinance establishing a temporary waterfront commercial development and construction moratorium.

On March 27, the City Council adopted a police power ordinance (Ordinance No. 230322-B) that established a temporary waterfront commercial development and construction moratorium. This was published on April 6. Now that the City Council has adopted a police

powers ordinance and based on recent court decisions, staff and legal counsel are recommending that the Planning Commission also review and consider a corresponding zoning ordinance amendment and make a recommendation of whether to adopt that amendment to the City Council.

Motion by Gardner, second by Broeker to set a public hearing on May 18th, 2023, with the Planning Commission at 7pm for a zoning ordinance amendment for 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. Plan and Timeline for Waterfront Development Zoning Ordinance Review:

David Jirousek from Horizon Community Planning presented via Zoom. Waterfront development concerns in the City of Saugatuck (“City”) led to a recent development moratorium on site development and construction in all waterfront locations in the Water Street North, Water Street South, Water Street Commercial, and Resort zoning districts (Exhibit #1 “Area of Study”). The moratorium will expire on September 30, 2023, or an earlier date if this project is finished earlier than anticipated (extensions are also possible). During this time, the City’s objective is to assess land use regulations applicable to the Area of Study and update the Zoning Ordinance to ensure adequate riverfront protection related to development and redevelopment, open space, public access, environmental issues, parking, and traffic.

Within the next five and half months, a comprehensive assessment is recommended before developing new regulations. It is essential to study the area and current regulations, assess best practices, solicit community input, and then finally, develop zoning language. The Area of Study boundaries could be the basis for a new waterfront zoning district or an overlay district if City officials feel the subareas within the Area of Study are unique enough to retain their individual zoning designations.

The Planning Commissioners discussed the plan and timeline and felt it was appropriate. For the next meeting, Mr. Jirousek would like to have further discussion about community engagement ideas.

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.

B. ZBA Training – May 18 (3:30 PM – 6:30 PM)

9. Public Comments:

- Mark Klungle, Resident, thanked everyone getting the waterfront moratorium going. He asks that the Commission please consider parking as it has been ignored over the years. He also requests that the Commission look at things more closely as it appears they are just rubber-stamping things instead of really digging into them.

10. Commission Comments:

- Commissioner Gardner: He appreciates being an applicant in the audience as opposed to sitting at the table. It was a learning experience for him. He thanked the Commission for their expertise, discussion, and the questions. He is very humbled to be a part of this group.
- Commissioner Anderson: She wanted to make a brief comment related to the discussions about the proposed Moratorium on short-term rental licenses, and the use of the word “nefarious”, which means according to Oxford, wicked, criminal, or evil. She stated that at the March 22 City Council Workshop, Planning Commissioner and Councilmember Gardner insinuated that there was something “nefarious” about how the proposal was brought before the Planning Commission. In other words, he implied that the Mayor, Planning Commission Chair, City Manager, and the Planning and Zoning Director might have engaged in criminal or evil behavior. She said that Commissioner Gardner told her that he chose the word “nefarious” purposefully. She went on to say that there are so many things that are wrong with lobbying false and inflammatory remarks like that over the fence, and she won’t name them all. She wanted to go on record to say that behavior like this is toxic to City Council, the Planning Commission, and importantly, to City staff, especially in this moment of public life, toxic words, and behaviors fuel false narratives and erode the collaborative spirit we need for wise and fair government, and undermines our talented, hardworking, and dedicated staff. She says that we are all stewards to the City of Saugatuck, and she thinks we need to be better and do better.
- Commissioner Gaunt: She said that she was at the meeting that Commissioner Anderson referenced, sitting in the audience. She has always considered Commissioner Gardner’s representation, whether on the Commission or Council, to be straightforward and to be sincere. She stated that when Commissioner Gardner used the word “nefarious”, he lost her there. She said that she is very sorry to say that, especially in this day and age.
- Chairman Manns: He thinks that it was a productive meeting where they all learn a lot. He looks forward to the proposal coming back in front of them on May 18, for Spear Street and the public hearing for the waterfront development. He requested that the Commissioners think about survey questions or any input that they can give to David at the next meeting.

11. Adjournment:

Motion by Gaunt, second by LaChey, to approve adjournment of the meeting. Upon voice vote, motion carried unanimously. Chair Manns adjourned at 8:46 PM.

Respectfully Submitted,

Sara Williams, City Deputy Clerk & DPW Administrative Assistant