



## **Planning Commission Meeting Minutes**

The Planning Commission met for a Regular Committee Meeting, February 15, 2024, 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 7:01 p.m.

Present: Chair Manns, Vice-Chair Broeker, Commission members: Anderson, Bagierek, Clark, Gaunt, & LaChey.

Absent: None.

Others Present: Director of Planning, Zoning, and Project Management Ryan Cummins, Deputy Clerk Sara Williams, City Attorney Jacob Witte & City Attorney Trent Cunningham.

### **2. Approval of Agenda:**

*Motion by Gaunt, second by LaChey, to approve the agenda as presented for February 15, 2024. Upon voice vote, motion carried unanimously.*

### **3. Approval of Minutes:**

*Motion by Anderson, second Clark, to approve the minutes for the regular meeting January 18, 2024. Upon voice vote, motion carried unanimously.*

### **4. Public Comment on Agenda Items:**

- Liz Amundson – Not in favor of the blanket Short-Term rental two-person to a bedroom max.

### **5. Old Business: None.**

### **6. New Business:**

**A. 311 Water Street: Public Hearing and Site Plan Review for a restaurant with outdoor seating and expanded outdoor dining area. (Roll Call Vote)**

### **Public Hearing Information**

- A. Hearing is called to order by Chair Manns at 7:10 pm.

B. Summary by the Zoning Administrator:

The applicant requests special land use and site plan approval for a restaurant with expanded outdoor seating within the public right-of-way. 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 proposed business.

The scope of the project includes the placement of picnic tables on sidewalks within the public right-of-way. The tables have light grey plastic tops and seats with dark metal framing. Tables are proposed to be placed on the patio seating areas and on the existing concrete sidewalk. Four (4) tables are proposed along Water Street and two (2) along Hoffman Street.

Table service is not proposed, and no significant exterior changes or site improvements are proposed as part of the project. However, it is unclear if existing lighting will be used or if additional light fixtures are proposed.

C. Presentation by the Applicant: Applicant was not present for meeting.

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 7:15 pm.

F. Commission deliberation:

The board went into deliberation and discussed the applicants request for special land use and site plan approval for a restaurant with expanded outdoor seating within the public right-of-way. 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 proposed business.

G. Commission action:

*Motion by Anderson, second by Bagierek to approve the special land use and site plan request for expanded outdoor dining contingent upon the following:*

1. *Provide light fixture specification sheets for review and administrative approval if new exterior lighting will be installed.*
2. *Secure all other applicable approvals from City departments, the fire department, and applicable outside agencies.*
3. *Provide all Expanded Outdoor Dining Area checklist items in accordance with section 154.092 (O)(2)b (license agreement, fees, lighting attestation, and tax payment attestation.*

*Upon roll call vote, motion carried unanimously.*

**B. 449 Water Street: Public Hearing and Site Plan Review for a restaurant with outdoor seating and expanded outdoor dining area. (Roll Call Vote)**

**Public Hearing Information**

A. Hearing is called to order by Chair Manns at 7:20 pm.

B. Summary by the Zoning Administrator:

The applicant requests special land use and site plan approval for a restaurant with expanded outdoor seating within the public right-of-way. 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 proposed business.

The scope of the project includes the placement of picnic tables on sidewalks and parking spaces within the public right-of-way. Outdoor seating was originally approved through the special land use process in 2015 (four tables and 16 chairs). The current proposal is the same as approved by the City in previous seasons, which includes tables and chairs in four diagonal parking spaces and along the sidewalk area:

1. Six tables in parking spaces.
2. Three picnic tables in the mulch area within the right-of-way (Mary Street).
3. Two picnic tables within the right-of-way (Water Street).
4. Two picnic tables and four other tables under an awning extended from the building.

Based on the location of the outdoor dining area in relation to the street and traffic, barrels, planters, and metal partitions are proposed to enclose the area within existing diagonal parking spaces. The picnic tables are constructed with wood, and umbrellas will be installed through a central hole. String lights were previously installed around the boundaries of the angled parking area.

No significant exterior changes or site improvements are proposed as part of the project. All exterior furniture, planters, stations, and containers will be temporary in nature.

C. Presentation by the Applicant: Christine Murphy Peirce.

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): Jim Bouck (638 Spear) – Not in favor due to not being ADA compliant.
  3. General Comments (audience & letters): None.
  4. Repeat Comment opportunity (Supporting, Opposing, General): None.

E. Public comment portion closed by the Chair at 7:32 pm.

F. Commission deliberation:

The board went into deliberation and discussed the requests special land use and site plan approval for a restaurant with outdoor seating and the service of alcoholic beverages. 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 proposed business.

G. Commission action:

*Motion by LaChey, second by Gaunt to approve the special land use and site plan request for expanded outdoor dining contingent upon the following:*

1. *Demonstrate the compliant placement of electrical cords.*
2. *Provide a detailed plan for installing pavers in the Mary Street right-of-way.*
3. *Secure all other applicable approvals from City departments, the fire department, and applicable outside agencies.*
4. *Provide all Expanded Outdoor Dining Area checklist items in accordance with section 154.092 (O)(2)b (license agreement, fees, lighting attestation, and tax payment attestation.*

*Motion was amended by LaChey to add:*

5. *Applicant must make accommodations for people to open car doors in handicapped spaces.*

*Upon roll call vote, motion carried unanimously.*

**C. Zoning Text Amendment: Public Hearing – An ordinance which amends the Zoning Ordinance to, among other things, clarify and update provisions pertaining to short-term rentals and accessory dwelling units. (Roll call vote)**

**Public Hearing Information**

A. Hearing is called to order by Chair Manns at 7:50 pm.

B. Summary by the Zoning Administrator:

The City's STR Task Force met for several months and finalized its report at the end of September. The Task Force recommendations were presented to the Planning Commission on October 19. On November 16 and December 21, the Planning Commission reviewed and discussed the STR Task Force recommendations. The Planning Commission found consensus on several of the Task Force recommendations. For items for which there was a consensus and for others staff has identified as needing further clarity, a draft police-powers ordinance, zoning amendments, and noise ordinance amendments were drafted.

The Planning Commission reviewed the draft zoning amendments at its January 18 meeting and agreed to schedule a public hearing for February 15. Changes to the draft include:

- Further clarification of where first floor and upper-floor units may front.
- Clarification of accessory dwelling unit access in a detached accessory building.
- Removal of interior access prohibition for attached accessory dwelling units.

The Planning Commission is asked to conduct a public hearing, discuss the amendments, and consider making a recommendation to City Council.

The following highlights some of the changes in the proposed text amendment:

- Three-year certificate requirements are removed as STRs will now be required to obtain an annual license under a separate police-powers ordinance.
- Zoning will still regulate STR signage.
- Updated accessory dwelling units to clarify who may occupy an ADU and when an accessory dwelling unit can be rented.
  - Note: The current requirements that both an ADU and single-family dwelling be rented under a single contract, or the owner occupy the home and receive special land use approval to rent the ADU separately remain unchanged. Not renting the ADU and single-family home separately also remains unchanged.

- Made language consistent in how an accessory dwelling unit size should be measured.
- Made clear that both an ADU and single-family dwelling, even if rented under a single contract, will still each be required to have their own STR license and inspection if rented 31 days or less.
- Clarified where certain dwellings and apartments can be located in the City Center, Water Street North, Water Street East, and Water Street South zoning districts. Also clarified which may be used for STRs.
- Note: Some single-family dwellings and first floor apartments exist in these districts, and they do not have frontage on the street. Many are ineligible to be used as STRs as they are not wholly located on the second or third floor. The language changes would still maintain the original intent to ensure that restaurants, retail, etc., were on first floors fronting active “main street” environments.
- Changed the definition of Flood Hazard Area to address a typo.

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 8:11 pm.

F. Commission deliberation:

The board went into deliberation and discussed the following highlights some of the changes in the proposed text amendment:

- Three-year certificate requirements are removed as STRs will now be required to obtain an annual license under a separate police-powers ordinance.
- Zoning will still regulate STR signage.
- Updated accessory dwelling units to clarify who may occupy an ADU and when an accessory dwelling unit can be rented.
  - o Note: The current requirements that both an ADU and single-family dwelling be rented under a single contract, or the owner occupy the home and receive special land use approval to rent the ADU separately remain unchanged. Not renting the ADU and single-family home separately also remains unchanged.

- Made language consistent in how an accessory dwelling unit size should be measured.
- Made clear that both an ADU and single-family dwelling, even if rented under a single contract, will still each be required to have their own STR license and inspection if rented 31 days or less.
- Clarified where certain dwellings and apartments can be located in the City Center, Water Street North, Water Street East, and Water Street South zoning districts. Also clarified which may be used for STRs.
  - o Note: Some single-family dwellings and first floor apartments exist in these districts, and they do not have frontage on the street. Many are ineligible to be used as STRs as they are not wholly located on the second or third floor. The language changes would still maintain the original intent to ensure that restaurants, retail, etc., were on first floors fronting active “main street” environments.
- Changed the definition of Flood Hazard Area to address a typo.

G. Commission action:

*Motion by Anderson, second by LaChey to RECOMMEND adoption of the amendments to the zoning ordinance to clarify and update provisions pertaining to short-term rentals, accessory dwelling units, and flood hazard area definition with the following changes:*

1. *Edits to section 4B5 & 4B8, as well as section 8.*

*Upon roll call vote, motion carried unanimously.*

D. Police Powers Ordinance – Short-Term Rentals

The City’s STR Task Force met for several months and finalized its report at the end of September. The Task Force recommendations were presented to the Planning Commission on October 19. On November 16 and December 21, the Planning Commission reviewed and discussed the STR Task Force recommendations. The Planning Commission found consensus on several of the Task Force recommendations. For items for which there was a consensus and for other staff identified as needing further clarity, a draft police-powers ordinance, zoning amendments, and noise ordinance amendments were drafted.

The Planning Commission reviewed the draft police powers ordinance at its January 18 meeting. Changes have been made based on Planning Commission feedback and further staff discussions.

Changes include:

- Clarifying subletting.
- Requiring owners to not allow use of fireworks.

- Requiring a signed attestation from the owner versus an affidavit.
- Requiring a completed and signed rental inspection checklist for both initial and renewal applications.
- Adding e-mail as a notification option for application deficiencies.
- Added motor courts as not being included in the definition of a dwelling unit.

The Planning Commission is asked to further discuss the draft ordinance and consider making a recommendation to City Council.

The following highlights some of the key elements of the licensing ordinance for short-term rentals:

- An annual license and inspection will be required for each short-term rental.
- Occupancy - Set at two (2) per bedroom, plus an additional two (2) occupants per finished floor but not to exceed a maximum of twelve (12).
- Visitor Maximum - The maximum number of visitors to be equal to the maximum number of occupants multiplied by a factor of 1.5. Visitors permitted only between the hours of 7:00 am and 11:00 pm.
- While not a Task Force recommendation, staff and some Planning Commissioners raised concern about how maximum sleeping occupancy can be enforced. This will assist. It is also consistent with the “quiet hours” in the existing noise ordinance. The factor can be modified, or the suggested regulation can be removed entirely.
- All advertising will have to reference the license number.
- Still required to comply with zoning.
- Requires providing and posting of the rules and regulations, name of the license holder and/or local agent responsible, that individual's telephone number and email address that they may be reached on a 24-hour basis, notification of the maximum number of overnight occupants, a copy of the City's noise ordinance, notification that an occupant and/or a visitor of an occupant may be cited for a violation and a copy of the Good Neighbor Guide.
  - Note: The Good Neighbor Guide will contain considerations for noise, trash disposal, parking, and maximum occupancy.
- Trash - One (1) outdoor garbage can, and one (1) recycling bin required. If occupancy is six (6) or more, at least two (2) outdoor garbage cans and at least one (1) recycling bin. Exposed waste or garbage will be considered a violation.
  - Note: Some discussion occurred on whether two recycling bins should be required. Staff plans on negotiating twice monthly pickup with Republic, but the current contract doesn't expire until October.
- All rooms in a dwelling must be rented under a single contract. No individual renting of rooms or subletting.
- Owner shall not allow use of fireworks by STR occupants and visitors.
- Rental insurance must be maintained.



- Note: The Fire Department advised “we have had owners within the District, that had a fire at their property and found out after the fact that their standard homeowner’s insurance did not cover renting the property, and the loss they incurred was not covered.” The recommendation was “an effort to help protect property owners to ensure they have adequate information and proper coverages.”
- Registry - By applying for a license, the owner and/or license holder agrees to have their name, contact information, the address of the short-term rental, maximum occupancy and contact information for their local agent included in the City’s publicly available short-term rental registry.
- Current STR Certificates – Intent to “grandfather” certificates that were issued under the Zoning ordinance until those certificates expire. Once a previously issued short-term rental certificate expires, the certificate-holder must receive a short-term rental license to continue operating at the premises.
- Duty to Address Issues - The license holder and/or local agent will have the duty to remedy a violation, including the noise ordinance, within two hours. If they do not, it would be a violation.
  - Note: This makes it clear that the local agent or license holder has a responsibility to act and respond to concerns. The time limit can be modified if desired.
- A suspension and revocation process is outlined. Any suspension time will occur during primary tourist season.
  - Note: Months can be modified if desired.
- Fraudulent Complaints – Anyone who makes a fraudulent complaint will face their own violation.
- Licenses cannot be transferred.
  - Note: STR certificates do not transfer to new owners either. The language provides much more detail to define a transfer. Depending on whether the Planning Commission desires to recommend residential caps and at what level, transfer of ownership clarity will be important.

*Motion by Gaunt, second by Clark to RECOMMEND adoption of the short-term rentals licensing ordinance to provide for the public peace and health and for the safety of persons and property in the City of Saugatuck by the licensing and regulation of short-term rentals, to provide procedures for the suspension and revocation of short-term rental licenses, and to provide penalties for violations of short-term rental regulations.*

*A roll call vote was taken:*

*Yes: Commissioners Anderson, Broker, Clark, Gaunt, & LaChey, Chair Manns.*

*No: Commissioner Bagierek.*

*Motion carried 6-1.*

## **E. Police Powers Ordinance – Noise**

The City's STR Task Force met for several months and finalized its report at the end of September. The Task Force recommendations were presented to the Planning Commission on October 19. On November 16 and December 21, the Planning Commission reviewed and discussed the STR Task Force recommendations. The Planning Commission found consensus on several of the Task Force recommendations. For items for which there was a consensus and for other staff identified as needing further clarity, a draft police-powers ordinance, zoning amendments, and noise ordinance amendments were drafted.

The Planning Commission reviewed the draft noise ordinance at its January 18 meeting. Changes have been made based on Planning Commission feedback. Changes include:

- Modifying the hours of operation for lawn equipment.

The Planning Commission is asked to further discuss the draft ordinance and consider making a recommendation to City Council.

The following highlights some of the key elements of the noise ordinance:

- Language was modified to be compliant with recent case law and more defensible.
- Time limitations were left unchanged except for lawn maintenance equipment.
  - Note: Some have thought "quiet hours" started at 10p while others believed it was 11p. The existing ordinance states 11p.

*Motion by Anderson, second by LaChey to RECOMMEND adoption of the amendment to the noise ordinance to clarify provisions related to the quiet hours and provide examples of violations of the ordinance to better protect the public health, safety, and general welfare of the City, its residents, and visitors with the following changes:*

1. Section 9D (2)(E)4 changed hours from 8am-8pm.

*Upon roll call vote, motion was carried unanimously.*

## **F. Short-Term Rentals – Further Discussion of Residential Caps and Parking**

The City Attorney has provided drafts of two ordinances to implement several recommendations from the City's Short-Term Rental Task Force Action Report ("action report"). One ordinance proposes to amend several sections of the City Zoning Ordinance regarding accessory dwelling units and short-term rentals, and the other "police power" ordinance outlines the permitting and enforcement process in the general City Code of Ordinances. However, certain policy discussions are recommended to assess rental permit caps and other requirements, such as parking restrictions.

*Motion by Broeker, second by Anderson to recommend to City Council to reconsider the moratorium on short-term rentals that they previously recommended to them only the moratorium would be limited to R1 districts only as opposed to the current draft being city wide.*

*There was no vote and the discussion continued. Broeker amended the motion to update the recommendation of a six-month time period for the proposed moratorium that they are recommending to City Council.*

*A roll call vote was taken:*

*Yes: Commissioners Anderson, Broeker, Clark, Gaunt, & LaChey, Chair Manns.*

*No: Commissioner Bagierek.*

*Motion carried 6-1.*

**7. Communications:** None.

**8. Reports of Officers and Committees:**

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

**9. Public Comments:** None.

**10. Commission Comments:**

- CJ Bagierek: He said that he voted no on the short-term rental item, but there were a lot of good things in there. He hopes that City Council takes the opportunity to go through each line item, takes a look at each one to make their decision based upon each of the merits of each item.
- Joe Clark: Said that there was a lot of hard work and progress during this meeting and thanked everyone.
- Holly Anderson: She agreed with Commissioner Clark.
- Steve Manns: He thanked them for being part of the task force for the majority of 2023. He said that it's moving forward but it 's not an easy topic. He appreciates the fact that all of the Commissioners, staff, and consultants are willing to be here to make certain that they are doing something that fits for the City of Saugatuck and not just try to mimic what's been done somewhere else. He thinks the idea of possible limiting any new licenses is very prudent as they continue to look at this knowing that they will more than likely put limitations in. He hopes the rest of the city will also feel comfortable that they are taking the additional time.

**11. Adjournment:**

*Motion by LaChey, second by Gaunt, to approve adjournment of the meeting. Upon voice vote, motion carried unanimously. Chair Manns adjourned the meeting at 10:15 pm.*

Respectfully Submitted,

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Sara Williams, Deputy Clerk