



## **Planning Commission Meeting Minutes**

The Planning Commission met for a Regular Committee Meeting, December 2, 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 7:00 p.m.

Present: Chair Manns, Commission members: Bagierek, Clark, Gaunt, LaChey, Marineau.

Absent: None.

Others Present: Planning & Zoning Director Thompson, Deputy Clerk Williams.

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

*Motion by Bagierek, second by Gaunt, approve to move item 6E to 6A and move the current items down in order on the agenda for September 19, 2024. Upon voice vote, motion carried 6-0.*

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

*Motion by Gaunt, second by LaChey, to approve the minutes for the regular meeting September 19, 2024. Upon voice vote, motion carried 6-0.*

### **4. Public Comment (Agenda Items Only):**

- Paul Whitfield (450 Spear): He commented on Item A (Item E in packet). He expressed support for the proposed changes, stating they look good and align with the town's goals. He encouraged measures to make it easier and more proactive for residents with primary residences and Accessory Dwelling Units, as this fosters a sense of community and accommodates visitors.
- Chris Peterson (742 Pleasant): She provided feedback on Item 6C, focusing on first-floor apartments in the PUD (Planned Unit Development) departures. She began by thanking the Commission for their efforts, emphasizing the importance for preserving waterfront access. She inquired about clarifying whether the term "allowable departures" means exemptions and suggested that waterfront access requirements should "run with the land" to ensure continuity regardless of ownership changes. Peterson raised concerns about language in the regulations allowing PUD developments to exceed current size restrictions, as referenced in the synopsis (page 58) and Regulatory Flexibility (page 60). She argued that the maximum current restrictions should remain in place to prevent overdevelopment, which could negatively impact the viewshed and waterfront character. She specifically opposed permitting minimal setbacks combined with

taller structures, as this could lead to undesirable outcomes. Peterson urged for clearer, more restrictive standards to be established before any proposals are approved.

**5. Old Business:** None.

**6. New Business:**

**A. Accessory Dwelling Unit Standards – Discussion on requirement for Special Land use approval to allow for rental of accessory dwelling unit.**

Planning & Zoning Director Thompson addressed challenges with non-conforming accessory dwelling units and their eligibility for short-term rental licenses. He explained that the current challenges are due to many older ADU's built decades ago, do not meet the city's current regulations. To obtain a short-term rental license, ADUs must meet special land use approval standards. However, these older structures often cannot comply due to issues such as size, utility configurations, or layout (e.g., first-floor apartments). Non-conforming ADUs were built lawfully under older codes but now face barriers under stricter modern standards. This issue has led to delays and the tabling of license applications, as seen in cases like 450 Spear Street and others in the pipeline.

Thompson went on to explain that draft ordinance language has been introduced to allow flexibility for non-conforming ADUs that were lawfully established under previous standards. Adjustments include reconsidering square footage requirements and aligning with Michigan building codes where appropriate. The goal is to balance maintaining appropriate regulations while accommodating older, lawfully built ADUs, enabling them to obtain short-term rental licenses without undue barriers. These changes aim to streamline the approval process for non-conforming ADUs while maintaining oversight via special land use approvals. Recognizing the widespread non-conformity of older structures in the city, the revisions acknowledge historical development patterns. This reflects the city's effort to address regulatory challenges and support property owners while preserving compliance standards.

City Planner Jirousek said that the ordinance includes two key proposals regarding accessory dwelling units:

1. Square Footage Requirements for New ADUs:
  - Option 1: No minimum square footage, provided the unit complies with the Michigan Building Code.
  - Option 2: A minimum of 300 square feet of gross finished floor area.
  - Both options are included in the ordinance draft (Section 1, Paragraph 3) to allow for further discussion and final direction.
2. Non-Conforming ADUs:
  - The ordinance proposes allowing non-conforming ADUs to gain approval if they were lawfully established under the regulations in place at the time of construction.

Jirousek explained that these proposals aim to address both new and existing ADUs while ensuring compliance and flexibility for property owners.

The commission had a lengthy discussion regarding the proposals and decided to table the discussion until the December 19<sup>th</sup> meeting where they can discuss further before they call a public hearing.

B. 515 St. Joseph St – Public Hearing for a Special Land Use request for rental of an accessory dwelling unit.

**Public Hearing**

A. Hearing is called to order by Chair Manns at 7:18 pm.

B. Summary by Zoning Administrator:

The applicant has applied for special land use approval to rent an existing detached accessory dwelling unit (ADU) in accordance with Section 154.026 ©(3) of the Zoning Ordinance. The purpose of 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.

The detached ADU is located behind the principal dwelling and above a three-car garage. The applicant provided an interior measurement of 589 square feet (gross finished floor area).

The owner wishes to rent the ADU, and the principal dwelling will not be rented. If it is a short-term rental, all applicable requirements will also need to be met in accordance with Section 154.022 (V), and a license shall be required pursuant to the City of Saugatuck's Short-Term Rental Licensing Ordinance, Chapter 99.5 of the City Code.

C. Presentation by the Applicants Doug & Bonnie Lowe.

Doug and Bonnie Lowe present their case, explaining the history of their property and the non-conforming nature of their ADU.

D. Public comment regarding the application:

1. Supporting comments: None.
2. Opposing comments: None.
3. General comments: None.
4. Repeat comment opportunity (Supporting, Opposing, General): None.

5. Public comment portion closed by Chair Manns.

6. Commission deliberation:

The commission deliberates and decides to postpone the decision to a later meeting to align with potential ordinance changes.

7. Commission action:

*Motion by Clark, second by Bagierek, to delay the decision on 515 St. Joseph Street. Upon roll call vote, motion carried 6-0. The Public Hearing remains open.*

C. 149 Lucy St. – Public Hearing for a Special Land Use request for a proposed Single-Family Residence with a floor area that exceeds 0.3:1.

**Public Hearing**

A. Hearing is called to order by Chair Manns at 7:32 pm.

B. Summary by Zoning Administrator:

The applicant has for a special land use approval to exceed the 0.3:1 floor area ratio (FAR) requirement in accordance with Section 154.025(C)(3). 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 related to the request.

C. Presentation by the Applicant Barry Chesterman.

Barry Chesterman presents the project, explaining the need for additional space due to a growing family.

D. Public comment regarding the application:

1. Supporting comments: None.
2. Opposing comments: None.
3. General comments: None.
4. Repeat comment opportunity (Supporting, Opposing, General): None.

E. Public comment portion closed by Chair Manns at 7:45pm.

F. Commission deliberation:

The commission deliberated, with some members expressing concerns about the impact on the neighborhood and the precedent set by the project. The commission discusses the implications of the floor area ratio requirement and its alignment with

other zoning ordinances. Some commissioners expressed concerns about the potential impact on the neighborhood and the precedent set by the project.

G. Commission action:

*Motion by LaChey, second by Gaunt, to approve the special land use request for a single-family residence at 149 Lucy as presented. Upon roll call vote, motion carried 6-0.*

D. First Floor apartments in the C-2 Waterfront Preservation District and PUD departures – Review of Draft Code Ordinance Amendment and Public Hearing for a proposed text amendment.

**Public Hearing**

A. Hearing is called to order by Chair Manns at 7:59 pm.

B. Summary by Zoning Administrator:

Based on the Commissions discussion in September, this agenda item includes a review of amendments to the Downtown Waterfront Preservation (DWP) District and allowable departures to the district requirements through the Planned Unit Development (PUD) process. The primary intent of this effort is to remove first-floor waterfront-facing apartments as permitted and special uses from the DWP District (Sections 1-2 for the attached ordinances). This was based on concerns that a developer may be less willing to allow public access to the waterfront when there are first floor residents. However, this memo also expands on the PUD departure provision of the Zoning Ordinance.

After lengthy legal discussions, we have also removed the option to allow first-floor waterfront-facing apartments through the PUD process if a developer committed to providing public access to the waterfront yard. The basic concept is that imposing a condition or incentivizing public access must be directly related to the impact of the land use. While we could spend additional time on this to justify the PUD allowance, the current priority is to remove first-floor waterfront-facing apartments and no overcomplicate the conversation.

Since we previously proposed changes to the PUD section concerning DWP zoning departures, Jirousek recommends that this section remain in the proposed ordinance to clarify the public access incentives (Section 3).

Additionally, internal conversations led us to the topic of building height. Currently, a PUD applicant could request a building height departure for a taller building with additional stories. Because the ordinance is silent on the matter, there is no “maximum request.” Although approval of four or five stories would be unlikely, the possibility for a request remains. As such, two options are present in two

separate ordinances. These ordinances are identical as they relate to first-floor waterfront-facing apartments but treat height departures differently.

- **Option 1 – Height Departures Restricted.** Prohibit building height departures in the DWP District.
- **Option 2 – Height Departures Limited.** Allow building height departures if public open space is provided in the DWP District, but set a maximum (for instance, three stories and 35 feet in height).

Also, as requested by the Planning Commission, the City Attorney added language concerning the legal instrument required to memorialize public access.

C. Presentation by the Applicant.

D. Public comment regarding the application:

1. Supporting comments: None.
2. Opposing comments: Chris Peterson (742 Pleasant) – She opposes section 6C of the PUD departures, arguing it could lead to overdevelopment. She suggests making PUD requirements less permissive to protect the boardwalk and view shed.
3. General comments: None.
4. Repeat comment opportunity (Supporting, Opposing, General): None.

E. Public comment portion closed by Chair Manns at 8:48pm.

F. Commission deliberation:

The commission deliberated and discussed the legal and practical implications of the proposed amendments. They also discussed the pros and cons of the two amendment options with some members preferring a height limit. They debated the merits of allowing height variations through PUDs and expressed concerns about allowing three-story buildings while considering the potential impact on the boardwalk and public access.

G. Commission action:

*Motion by Clark, second by Gaunt, to adopt option 1, to amend title XV, Chapter 154, of the code of the City of Saugatuck to amend Section 154.038 C-2 Downtown Waterfront Preservation District to eliminate first-floor apartments as permitted special land uses and the amend section 154.113 to clarify and revise planned unit development modifications for the C-2 Downtown Waterfront Preservation District concerning qualifying public access and allowable departures including a restriction on*

*height increase requests, with section two, paragraph A, subsection two, the setback be changed from 10 to 15 feet. Upon roll call vote, motion carried 6-0.*

- E. Bed and Breakfast accessory structures in the R-4 City Center Transitional Residential District – Review of Draft Code Ordinance Amendment and Public Hearing for a proposed text amendment.

**Public Hearing**

- A. Hearing is called to order by Chair Manns at 8:51pm.

- B. Summary by Zoning Administrator:

The applicant is here from McKenna to propose the habitation of accessory structures for bed and breakfasts. Essentially, it would add a couple areas to our zoning ordinance to allow for accessory buildings to rent rooms as an accessory to a bed and breakfast. He is here on behalf of the Wickwood Bed & Breakfast.

- C. Presentation by the Chris Corey from McKenna.

Chris Corey from McKenna presented a proposed text amendment on behalf of Wickwood Inn for consideration. The amendment seeks to introduce provisions allowing bed and breakfasts in the R-4 CER zoning district to renovate accessory buildings for guest rooms. This would introduce a new section, 154.4.022(R)(10), to permit bed and breakfasts in the R-4 CER district to use accessory buildings as guest rooms through a special use permit. This would enable expansion of hospitality capacity without altering or expanding historic principal structures, preserving the area's charm.

Renovated or newly constructed accessory building must meet all accessory building standards (e.g., height limits, setbacks) and cannot function as second principal buildings. All existing requirements for bed and breakfasts (sections 154.4.022(R)(1-9)) would still apply to both principal and accessory structures.

Wickwood Inn's potential plan to combine their current property with an adjacent lot at 120 Mary Street for a multi-building bed and breakfast complex is acknowledged in the amendment. Such a project would require additional special use permits and adherence to zoning and building standards.

Renovations of existing accessory buildings that maintain the current footprint and height would not be considered expansions of dimensional non-conformities. Non-conforming buildings could still be used for guest rooms if lawfully established and compliant with building and fire codes.

Accessory guest buildings would be clearly defined as distinct from ADUs. The building would be restricted to temporary guest accommodations and cannot serve as permanent dwellings. Definitions and language in related ordinance sections would be

updated to reflect the inclusion of accessory building as part of bed and breakfast operations.

Corey said that this amendment aims to balance expanded hospitality opportunities with preservation of historic character and adherence to zoning standards. Wickwood Inn expressed openness to the staff and consultant-recommended changes and willingness to engage further on the details.

D. Public comment regarding the application:

1. Supporting comments: None.
2. Opposing comments: None.
3. General comments: None.
4. Repeat comment opportunity (Supporting, Opposing, General): None.

E. Public comment portion closed by Chair Manns at 9:02pm.

F. Commission deliberation:

The commission deliberated and discussed the potential impact on neighborhood character and the proliferation of bed and breakfasts. They discussed the need for guardrails to prevent overdevelopment. Chris Corey suggested adding a section to limit the number of accessory guest buildings to two per lot. The commission debated the appropriate language and provisions to ensure control over bed and breakfast expansions. They discussed the implications of allowing accessory guest buildings versus ADUs. They agree that they need consistent language and provisions throughout the zoning ordinance. Corey clarifies the intent to pull 120 Mary into the complex and discusses the hurdles involved in combining a parcel. Planning and Zoning Director Thompson discussed the setback perspectives, noting that accessory building setbacks are smaller than principal setbacks. Thompson and Corey agreed on the need for confirmation and planning commission discretion for special use permits.

Commissioner LaChey expressed concerns about the “established lawfully” language arguing it could bypass necessary compliance. Jirousek explained the differences between Section D and Section E, which address new and converted accessory buildings. The commission discussed the need to consider the potential impact on other bed and breakfast properties and the number of accessory buildings allowed.

G. Commission action:

*Motion by LaChey, second by Marineau, to postpone the public hearing on the bed and breakfast accessory structure proposal until the December 19<sup>th</sup> meeting to allow for further review and discussion. Upon roll call vote, motion carried 6-0. The public hearing remains open.*

7. **Communications:** None.

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

**A. Zoning Administrator Activity Report:** The Commission requested that Director of Planning, Zoning, and Project Management Thompson include a copy of the report he submits to Council in the Planning Commission packet each month.

9. **Public Comments:**

- Chris Peterson (742 Pleasant): She thanks the chairman, council, and commission members for their work, particularly on the waterfront and boardwalk deliberations. She addressed a question regarding past negotiations, noting two instances: one involving the Bentley Bed and Breakfast's zoning change, where the boardwalk remained open, and a street was added; and another involving the Butler property, where a city easement for the boardwalk was included in the agreement. Peterson concluded with appreciation for everyone's efforts.

10. **Commissioner Comments:**

- LaChey – He stated that under their current bylaws, for good reason, they may continue or postpone a hearing, in any case, on an affirmative vote of a majority of the members present. He said that a roll call vote was the right call as it is within the bylaws.
- Gaunt – She said that she wanted to follow-up on LaChey's previous comments that they really appreciate having the ordinances.
- Marineau – He expressed gratitude for being present, enthusiasm for learning from others, and openness to constructive feedback. He acknowledged the learning process and invites honesty while showing a positive and humble attitude.
- Manns – He welcomed and commended new Planning Commission member Auston Marineau for his preparedness and valuable input, expressing confidence in his contributions. He acknowledged the unanimous support for his appointment by himself, Mayor Anderson, and Planning & Zoning Director Thompson, while also noting regret over Ann Broeker's resignation as vice chair. Manns mentions plans to address the vacancy by posting the open position, interviewing new applicants if any arise, and considering previous candidates. Additionally, he noted the need to nominate a new vice chair, which will be included in their December 19<sup>th</sup> agenda.

11. **Adjournment:**

*Motion by Gaunt, second by Marineau, to approve adjournment of the meeting. Upon voice vote, motion carried 6-0. Chair Manns adjourned the meeting at 9:50 pm.*

Respectfully Submitted,

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Sara Williams, Deputy Clerk