



City of Saugatuck
Historic District Commission
Special Meeting Minutes May 2, 2024, 6:00 PM
Saugatuck City Hall
102 Butler Street

Call to Order/Roll Call: Chair Straker called the meeting to order at 6:00 p.m.

Present: Chairman Straker, Commission members: Cannarsa, Donahue, & Gardner (arrived at 6:50 pm), Godfrey, Paterson.

Absent: None.

Others Present: Director of Planning, Zoning, and Project Management Cummins, Deputy Clerk Williams, City Attorney Witte.

Agenda Changes/Additions/Deletions: None.

Approval of Minutes for: None.

Public Comments:

- Dan Fox (1006 Elizabeth) – In favor of playground, not in favor of amplified audio.
- Catherine Simon (428 Butler) – In favor of playground. Primary concerns are the proximity of equipment, ordinance compliance, survival of trees, overall footprint, mass, and safety.
- Chris Peterson (742 Pleasant) – In favor of playground. Has concerns about tree removal and ordinance violations in the park.
- Scott Dean (544 St Joseph) – In favor of playground. He attended the meeting of post 137 of the American Legion, where he is a member. Their primary concern is that the park will be completed by Memorial Day so they can have their ceremony there. They express no concern about scale of playground.
- Kelly Roche (413 Hoffman) – In favor of playground. She advocates for an inclusive and safe playground for the children. She trusts that that HDC will remember that all criteria have been met and approved and that they are only in front of the Commission again as this was oddly requested as part of the lawsuit settlement with the Maplewood Hotel and not as a standard practice.

- Lauren Stanton (740 Lake) – In favor of playground. She said that she is here for public comment as a citizen and as your Mayor, as the item that is being discussed won't be coming back in front of City Council. She thanked member of the HDC for their service to the community and making the time to be here for the special meeting. She says that they are fortunate to have a Historic Commission with years of experience and expertise, and members who understand what is in the Commission's purview when it comes to new structures and neighboring properties. She thanked the Commission for approving the plan that originally came before them and today as they go over specific areas that are getting a second look because of a settlement agreement.
- Glenna DeJong (Saugatuck Township) – In favor of playground. She claimed that some are trying to create alternative facts about the playground project, including violating PPW goals and maximizing the footprint. She clarified that keeping existing trees was a priority, but conflicted with the ADA compliance, and a blue spruce tree had to be removed due to infection.
- Laura Durham (747 Water) – Says she just wants everyone to get along. In favor of playground but does not want tax dollars going towards more litigation.
- Barry Johnson (348 Main) – In favor of playground, has concerns about 12-foot drop from equipment.
- Mark Klungle (747 Water) – In favor of playground, proposes moving the playground to face the other direction to accommodate businesses.

Unfinished Business: None.

New Business:

Chair Straker reminded commissioners of guidelines for evaluating applications, including US Secretary of Interior Standards and compatibility with the surrounding area. He said that the Commission will not address issues outside of guidelines, such as zoning or noise ordinances, but will focus on new features only. He emphasized the importance of preserving green space and ensuring compatibility with existing streetscape. He said that Historic Districts do not supersede universal design and accessibility standards, with a focus on inclusivity for all abilities.

A. Village Square Playground (Butler/Main St) – Additional playground features that are situated predominately outside the footprint of the previous playground and the movement of the canoe.

The City of Saugatuck requests Historic District Approval for several elements of the future Village Square Park Playground that are proposed to be outside of the primary footprint of the previously demolished playground area. In additions to these “additional features,” as referenced in the application materials, the location of the “canoe spring rider” is proposed to shift further away from an existing tree than shown during the prior HDC review.

The subject lot is located within the City Center C-1 zoning district and the Historic District, and the property as a whole is not classified as a contributing resource.

On October 5, 2023, the HDC voted 4-0 to approve the demolition and removal of the past playground equipment and authorized a new design developed by Sinclair Recreation. Due to a lawsuit and resulting settlement agreement, the City must resubmit for HDC approval. However,

it must only do so for the additional features outside of the primary footprint of the previous play area and the relocated canoe spring rider.

Elements considered additional features include a track ride, ground-level ninja equipment, vertical climbing equipment, a jeepster, and a top spinner, all shown on the plans approved on October 5. As such, the plans are exactly the same as reviewed in October, except for the southern shift of the canoe spring rider. However, this review gives the HDC the opportunity to reconsider plans based on additional details and background information and reconfirm or revise its position on the appropriateness of the additional features. Further, the HDC can decide upon the necessity of relocating the canoe spring rider.

Zoning Administrator Cummins explains the City's request to reapprove the additional features of the playground. The City's application includes a fairly lengthy packet with requests related to the playground's main features, situated predominately within the previous playground footprint. Cummins explained the additional features outside of the previous playground footprint and explained that the City seeks approval for those features with the exception of the City withdrawing the request for the spinner feature in the northwest corner. He said that there are some concerns with the location of the spinner being too close to the tree and the tree having an impact on the spinner. They will potentially bring that back to the Commission at a later date. They are also seeking approval to move the canoe feature located on the west side due to the settlement agreement, without impacting trees in the area.

Cummins said that they worked on a pretty comprehensive application for the Commission to consider and have presented you with at least from the City's perspective, provided some narratives on how they believe the project meets those ordinance requirements and guidelines. Those are things such as the historical and architectural significance of the noncontributing resources at Village Square Park and the previous dilapidated playground, compatibility of the exterior, the structure and the space around it with the visual and historical context of the surrounding area, provided some narrative around the impact of the exterior on the structure of the character and contextual aesthetic of the city, and other factors that the Commission might find pertinent. One of them that he thinks is important to consider was the previous playground's safety issues that are provided in a report in the packet. He also provided narratives as it relates to the guidelines that Chair Straker touched on as the Commission was getting started. Things such as streetscape compatibility, architectural style, compatibility of sighting and massing. Consistent with how other applications that come before the Commission are handled, they submitted the application materials to the City Consultant David Jirousek. The consultants reviewed the plans and provided his evaluation and the guidelines from his perspective and his recommendation. Cummins said that they also provided the Commission with a link to the owner's manual which contains all the specs related to the playground down to the actual bolt level and will show every piece of the playground and all the details for each piece. There are a number of exhibits that are in the packet that support the narratives that the City has submitted.

Parks & Public Works Chair Baldwin updated the commission on the new playground build, highlighting its modernity, safety, accessibility, and appeal to all ages and abilities. Baldwin seeks approval for a few remaining features outside the old playground's perimeter, citing their historical or educational significance.

Cummins told the Commission that they are happy to answer as many questions as the Commission has. He said that Chair Straker touched on concerns related to whether noise relates

to the Historic District Commission or whether this project was subject to zoning approval and whether or not there is a conflict of interest that needs to be addressed.

City Attorney Witte clarified zoning and noise concerns are separate from HDC review. He explained that the project was exempt from City zoning as a governmental function. Witte explained what a conflict of interest was and asked the Commission members if anyone needed to disclose a conflict. He went on to confirm that no conflict would exist if the Commissioners do not have a pecuniary interest in the request and are otherwise able to evaluate the project in the best interests of the city's historic district.

The Commission began deliberations, with Godfrey asking Cummins to confirm what features that they would be considering since the spinner was being withdrawn. Cummins explained that it is jeepster, mountain climbers, get a grip, track ride, butterflies, flowers, and pods and confirmed that it was for any additional features that are outside of the previous playground footprint. Godfrey asked what would be done with the canoe feature and Cummins said that the canoe was one of the main features that was approved previously. Initially it was centered on the playground, and the City is asking for approval to move that further south due to a tree in the area that they have concerns about impacting so they feel it would be better if they moved the location of the canoe further south towards Main Street.

Godfrey asked about the withdrawal of the spinner and what the future holds for that feature such as the location of where it will be placed, and how it affects the discussion during this meeting. Cummins stated that they had just started construction of that piece and the discussions are still early on. He said that they need to have some further review with the designers and maybe the Parks and Public Works Committee and City Council on if they are going to construct that in the future or where that would go and what it would look like.

Donahue asked for reference, where the Maplewood Hotel is located in the sketch that they were looking at. Cummins explained that the hotel is North if you are looking at this sketch and that the additional features are located towards the hotel. Donahue questioned if they are closer to the hotel or are they in the same location as the original proposal. Cummins said that all of the features are in the exact same location as they were on the approved plans.

Cannarsa said that they have heard a lot about what the HDC is not responsible for but would like to be laser focused about what they are responsible for like the streetscape compatibility, considering there are parks on each side of it that has tennis and basketball courts. He is also focusing on the accessibility and would like to hear more about that because that is the reason some of the features were moved, such as the canoe that didn't have enough space around it. Cummins said that the canoe, when originally designed, had enough space around it. The movement of the feature is more related to avoiding the impacts on trees.

Cummins then welcomed Diane Sinclair to speak to the Commission and answer any questions they have relating to design, and she can explain why certain features were placed in the locations that they were placed and the buffering that is needed to make them accessible. Cannarsa asked about the yellow lines around each item and their relation to universal design principles, seeking clarification on the required space for accessibility. She explained the safety zones and alternate routes in an accessible playground and emphasized the importance of parallel play for children with disabilities. She highlighted the gradual incline of playground equipment to accommodate different abilities and provide various climbing experiences. Sinclair then discussed the design of the jeepster and went on to discuss how they incorporated musical elements to engage all ages, abilities, and emotions. They designed spaces for children to escape

sensory overload and have quiet time. She went on to say that the playground will be something that the entire generation can use as there are features for 2–5-year-olds, 5–12-year-olds, and stuff for 13 plus years up to adults.

Paterson agreed with Cannarsa that it's a streetscape issue of those features which they did approve previously, and they haven't moved their position. He said that he doesn't see anything that violates anything that they already approved for the canoe location from a streetscape compatibility and massing and scale.

Gardner apologized for his late arrival and Chair Straker asked if he had any questions from the packet. Gardner stated that he had reviewed the packet but did not have any questions.

Straker asked if Sinclair could give the Commission an overview of the features. Sinclair started with the jeepster and said that it is not meant to move, it's meant for children to congregate and sit and play. She explained that when they design playgrounds, there are basically 700 elements of a good playground, and you have all of them here. You are spinning, sliding, balancing, brachiating (upper body movement), imagine to play, and then social and emotional play, and music falls into that too. She said that they had intentionally added musical elements just because Saugatuck has arts and music and that is what the city is known for. But the second reason is because if you are at this playground and have auditory issues, music is something that you can participate in. If you don't have something that echoes or talks back to you, or has some sort of sound, you are losing a little bit of that element of spontaneity and play as a child. That is the reason they always try to include music and they also found that the adults like it. They know that adults will be coming to the playground, and this is a source of entertainment for them, so they have something to do. She said that the music is not very loud unless you bang on the equipment to make it loud. It has specific tones that it plays, and you can play an actual song, it's not just banging on a loud drum. Sinclair said that they included that in this particular playground to make sure that they had something for every age group to participate as well as every child and every ability. They know that there are not a lot of kids that want to be right in the center of life, but they know that there is a very large element of children today that they need a different place to go in and escape and get away from all of the sensory overload. They specifically place equipment by itself for this reason and the child can remove himself, gather his thoughts, have a little quiet time, talk to your friends or parents and then jump back in and play. It's not just a bench where you're obviously not playing. Sinclair said that this way they can go off and are by themselves and not ostracized by their peers. The canoe is another example that has a rocking motion to it, and they know that children on the spectrum love rocking and spinning because it has a calming effect on them. This is the reason they have thoughtfully placed the equipment where it has been placed.

Chair Straker asked the Commission if they had any other questions and stated that he doesn't want to shortchange or move to quickly on this. He said that they have covered streetscape and compatibility, architectural style and review, and compatibility of sighting and massing. The original approved application doesn't come close to eclipsing anything around it and Straker says that it's transparent and can see through it and creates a sense of space. The pedestrian scale is not that dissimilar from what was there before. He asked the Commissioners if they have any other part of the guideline or anything that anyone wants to look at or ask about as they have touched on the main three or four guidelines that were outlined in the packet.

Godfrey commented on the inconsistencies in the construction guidelines and the potential for future litigation. She expressed frustration with animosity towards the project. The

Commission discussed the status of the spinner that has been withdrawn. Straker suggested waiting for the application to determine the spinner placement, rather than moving forward with the plan.

Motion by Paterson, second by Cannarsa, to approve and issue a certificate of appropriateness for the City of Saugatuck Historic District permit application herein known as application dated April 26, 2024, to: (1) Construct additional features of the Village Square Park playground, as described in the application, with the exception of the spinner feature located in the northwest corner of the playground; and (2) Modify the approved plans for the main features, as described in the application to adjust the location of the canoe feature by moving it further south, based on the following standards, findings of fact, and conditions of approval:

- 1. The Commission finds that the application provides all the supporting plans and documents required by section 152.07.B of the city code, including detailed narrative information, site plans, playground equipment details, current site photographs, and 3d renderings as specified in the City Code and City Consulting Planner report and here known as planner report, dated May 3, 2024.*
- 2. The Commission finds that the application meets the specific requirements of section 152.07.D.1 known as application and review procedure guidelines after consideration of:*
 - a. The historical and architectural significance of the noncontributing resource of Village Square Park and the previously dilapidated playground.*
 - b. The compatibility of the exterior of the structure and the space around it with the visual and historical context of the surrounding area.*
 - c. The impact of the exterior of the structure on the character and contextual aesthetic of the City.*
 - d. Other factors such as the decommissioning recommendations of the existing playground, due to dangerous priority number one and two safety concerns documented in the ODC inspection report, dated March 31, 2023.*
- 3. The Commission further finds that the application satisfies the Commission's requirements of the Historic Preservation Review Guidelines for new construction, including:*
 - a. Streetscape Compatibility*
 - b. Architectural Style*
 - c. Compatibility of siting and massing such as historic relationship between buildings, landscape features and open space, height and bulk, and variation in siting or in height and bulk from the immediately surrounding buildings, compatible details, pedestrian scale and distinguishing new from old features.*
- 4. The Commission's findings that the application satisfies the review guidelines and standards of section 152.07.D of the city code and commission's requirements of the historic preservation review guidelines for new construction are based on the following:*
 - a. The reasons set forth in the planner report, which recommends that the proposed additional features continue to be an appropriate addition to the historic district and will serve as an essential community amenity.*

- b. *The reasons stated in the applicant's narrative for HDC application for Village Square Park playground modification, dated April 26, 2024, submitted as part of the application along with the accompanying exhibits thereto.*
- c. *Correspondence in the support of the playground, including the letter provided by Diane Sinclair, President of Sinclair Recreation, dated April 26, 2024, which notes that the design is a national demonstration site using all elements of play, historical elements that pay tribute to Saugatuck's past, multi-generational design, and structures that allow and encourage children of all abilities to play together.*
- d. *The reasons stated in the public comment in support of the application,*
- e. *The Parks & Public Works Committee evaluation and approval of the original playground plans in 2023.*
- f. *The Commission's original unanimous approval of substantially the same plans, excepting the location of the new feature, on October 5, 2023.*
- g. *The City Council's approval of the original playground plans on October 9, 2023.*
- h. *The reasons stated by the members of the Commission on the record.*

Upon voice vote, motion carried 5-1.

Yes: Straker, Paterson, Cannarsa, Donahue, Godfrey.

No: Gardner.

Administrative Approvals & Updates: None.

Communication:

- A. Diana Sinclair
- B. Anna Gregg
- C. Brooke Yost
- D. Charlie Benson
- E. Christian Kindle
- F. Doug Rodewald
- G. Glenna DeJong
- H. Ingrid & Chris Benson
- I. Jessica Ruthsatz
- J. Julie Barman
- K. Julie Meivogel
- L. Kara O'Connor
- M. Livinia Oancea
- N. Richard Williams
- O. Brady Bailiff

Public Comment:

- Glenna DeJong (Saugatuck Township) – Thanked the HDC for following their guidelines and reaffirming what they had already said. She said she would like to calm some fears

related to some misinformation tonight. There is no amplified sound in the playground, nor are there any speakers. They are musical instruments that look like nature. She suggests before you make any decisions about them, you go to the park and actually play them. She says they are very nice, pleasant, and have a very low tone. When they were looking at those for the design, they did extensive research online for decibels and they are within regulation, which was confirmed by Sinclair. They have always been included in the plan, even though they never spoke about each piece individually. The plans were not changed. She said there also is not 12-foot drop, nor would Sinclair or anyone would allow that for a playground that is being built.

- Catherine Simon (428 Butler) – Said that it is exceedingly uncomfortable for her to be suing the City. She says she has been a contributor, a resident, and a taxpayer for 35 years and she finds it appalling that she has taken this position. She owns a Historic asset in this community and has a moral obligation to defend it for her own investment and her family.
- Barry Johnson (348 Main) – He thinks the Commission did a really good job. He was also reminded about the HDC approval does not absolve it from zoning but in fact the government function exempt from zoning approval. His biggest concern was that he felt assured in the beginning that the playground was going to stay within the same footprint, which was incorrect.
- Gary Medler (461 Vine) – He wanted to clarify that the City is not exempt from the government function under the local Historic Districts act. The State of Michigan imposes the obligations of that act and therefore, the historic regulations on the city. The historic regulations require that the City comply with the zoning district regulations in place under the city code. The playground was a non-conforming use and any expansion outside the original footprint is a non-conforming expansion, which they did not have authority for.

Commission Comments:

Commissioner Gardner – He apologized to the Commission and the public for arriving late to the meeting. He stated that his no vote this evening was based on his understanding of what they had to apply standard wise to the additional features. He voted yes on the playground back on October 5, 2023. As a City Council member, he is in support of the playground. He said that he has a long history with this playground and Catherine Simon. In 1985 he opposed the upgrade to the equipment that was removed, because he thought the old equipment was fine. It is a learning experience for him as to how this should work. He thanked Sinclair and said that from what he has seen, the design is thoughtful and well done and overall good design. He thanked the volunteers for helping with the community build. He stated that this has been a struggle for him and hopes that his no vote is taken in context of where he is coming from on this. It was a reasonable decision on his part, and he is in support of the playground.

Chair Straker – He said that he hopes that everyone in the audience comes back when the Commission is talking about windows because it is interesting too. He wishes that on all of these issues regarding this topic or anything else, that everyone would start believing positive intent. Everyone had positive intent for the position that they were starting from, and Straker thinks that they could get to a better place if they just believed that and assumed that. He thinks that is what

this Commission tried to do, both times, and what they always have tried to do and wishes that every part of this awesome little city organization would have that front and center.

Adjourn:

Motion by Godfrey, second by Paterson to adjourn. Upon voice vote, motion carried unanimously. Chairman Straker adjourned the meeting at 7:19 p.m.

Respectfully Submitted by,
Sara Williams

Deputy Clerk