



## **Planning Commission Meeting Minutes**

The Planning Commission met for a Regular Committee Meeting, September 19, 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: Anderson, Bagierek, Clark, Gaunt, & LaChey.

Absent: Broeker.

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

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

*Motion by Gaunt, second by LaChey, to approve the agenda as presented for September 19, 2024.*

*Upon voice vote, motion carried 6-0.*

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

*Motion by Clark, second by Bagierek, to approve the minutes for the regular meeting August 15, 2024. Upon voice vote, motion carried 6-0.*

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

- Chris Peterson (742 Pleasant): She thanked the Commission for quickly bringing forward the issue of first-floor residential, she considers this very important. She expressed appreciation for anything the Commission can do to preserve the boardwalk and public access, and she believes this is important to the community and one of the top five attractions in Saugatuck.

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

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

- A. 450 Spear 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 7:03 pm.

B. Summary by Zoning Administrator:

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

The detached ADU is located in the rear yard of the subject property and was remodeled in 2018 based on assessing records. The gross finished floor area provided by the applicant is 356.5 square feet.

The owner wished 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.

The application requires review in accordance with the following sections of the City of Saugatuck Zoning Ordinance:

- Section 151.060 Site Plan
- Section 154.022 W- Accessory Dwelling Unit
- Section 154.080 Special Land Use
- Section 154.092 J- Rental of an Accessory Dwelling Unit

C. Presentation by the Applicant: Paul Whitfield.

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 7:16 pm.

F. Commission deliberation:

The Commission began deliberation. City Planner Jirousek clarified the ordinance changes that affect the unit's compliance and suggested a text amendment to accommodate slightly non-conforming ADU's. The Commission discussed the need for a text amendment to allow slightly non-conforming AUD's to be rented. Jirousek suggests a draft for the October meeting to address the ordinance changes.

G. Commission action:

*Motion by Bagierek, second by Gaunt, to table the special land use for 450 Spear until after the zoning amendment is updated. Upon roll call vote, motion carried 6-0.*

B. 133 Butler St – Public Hearing for a Special Land Use request for a proposed condominium subdivision.

**Public Hearing**

H. Hearing is called to order by Chair Manns at 7:42 pm.

I. Summary by Zoning Administrator:

The applicant has applied for approval to convert an existing building into condominium ownership. Section 154.047 Condominium Subdivisions regulates the establishment of condominiums in the City of Saugatuck, and the project is reviewed through the site plan and special land use process.

The Planning Commission previously approved a similar application on October 21, 2021. Although previously approved, the master deed was never recorded, and the project was not established as a condominium before the expiration of the approval. The final minutes from the meeting are included below.

**6. New Business:**

**A. Public Hearing - Create Condominiums of Existing Tenant Spaces at 133 Butler Street:**

The public hearing opened at 7:05 p.m. The building owner, Shimon Nissim, at 133 Butler commented that there would be one parking space per unit, after inquiries from the Planning Commission. Nissim also noted that the plan to create condominium units within the property at 133 Butler Street. This will change the ownership structure but will not change the exterior or the floor plan or the use. The public hearing closed at 7:10 p.m.

A motion was made by Peterson, 2<sup>nd</sup> by VanMeter, to conditionally approve the site plan, including the plans and supplemental materials provided by the applicant for property located at 133 Butler Street conditioned upon no exterior change, and no change to the floor plans. Upon roll call vote, the motion carried unanimously.

The request remains the same as previously reviewed by the Planning Commission. The building will have five (5) condominium units, including three (3) commercial/retail units and two (2) residential units. These spaces currently exist within the building, and no expansion or major interior alterations are proposed. Five (5) parking spaces are dedicated to the building tenants/owners.

J. Presentation by the Applicant Simon Nissim.

K. 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 at 7:45 pm.

6. Commission deliberation:

The commission deliberated, all agreed that the application is pretty straightforward, and they were ready for a motion.

7. Commission action:

*Motion by Clark, second by Bagierek, to approve the condominium conversion with the condition that the Fire Department's approval be secured. Upon roll call vote, motion carried 6-0.*

C. Review of Draft Code Ordinance Amendment and Set Pubic Hearing – An ordinance 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 and special land uses and to amend section 154.113 to clarify planned unit development (PUD) modifications for the c-2 downtown waterfront preservation district and to allow first-floor apartments if certain conditions are met through the PUD review process.

*Motion by LaChey, second by Bagierek, that a public hearing be set for October 17, 2024 to amend the downtown water preservation district ordinance and have the ordinance number particulars that are being discussed tonight. Upon roll call vote, motion carried 6-0.*

D. Discussion of meeting start time:

*Motion by Gaunt, second by Anderson, to change the starting time for future Planning Commission regular meeting to 6:30 p.m. Upon roll call vote, motion carried 6-0.*

7. Communications: None.

8. Reports of Officers and Committees:

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

9. Public Comments:

- Chris Peterson (742 Pleasant): She implied that currently, property owners can find ways around restrictions on first-floor commercial, and she wanted the commission to address that issue. She suggested the commission could simply prohibit first-floor commercial, both in the front and back of buildings, and put that into the zoning ordinance. However, she acknowledged that it

may not be that simple, and suggested the commission find a way to maneuver in case they get caught in a situation where someone tries to circumvent the prohibition.

**10. Commissioner Comments:** None.

**11. Adjournment:**

*Motion by Bagierek, second by Gaunt, to approve adjournment of the meeting. Upon voice vote, motion carried 6-0. Chair Manns adjourned the meeting at 8:15 pm.*

Respectfully Submitted,

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Sara Williams, Deputy Clerk