



Planning Commission Meeting Minutes

The Planning Commission met for a Regular Committee Meeting, April 18, 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 Vice-Chair Broeker at 7:00 p.m.

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

Absent: Chair Manns.

Others Present: Director of Planning, Zoning, and Project Management Ryan Cummins, Deputy Clerk
Sara Williams

2. Approval of Agenda:

Motion by Gaunt, second by Clark, to approve the agenda as presented for April 18, 2024. Upon voice vote, motion carried 6-0.

3. Approval of Minutes:

Motion by Anderson, second by Bagierek, to approve the minutes for the regular meeting March 21, 2024. Upon voice vote, motion carried 6-0.

4. Public Comment on Agenda Items: None.

5. Old Business: None.

6. New Business:

A. 831 Holland Street: Public Hearing and Site Plan review for a rented accessory dwelling unit. (Roll Call Vote)

Public Hearing Information

A. Hearing is called to order by Vice-Chair Broeker at 7:02 pm.

B. Summary by the Zoning Administrator:

The applicant has applied for special land use approval to rent an existing accessory dwelling unit (ADU) 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 ADUs.

A garage with a second floor ADU living space was approved in 2019 and constructed soon thereafter. The square footage of the second floor living space provided by the applicant is 638 square feet. The unit is accessed by an exterior staircase and includes an open living area with a kitchen, bathroom, and bedroom. The dwelling also has access to a second-floor open-air porch which is covered by an extension of the gable end roof.

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 and the City of Saugatuck's Short-Term Rental Ordinance.

C. Presentation by the Applicant:

The applicant, John Jenkins, said that he went through the process with the Historic District Commission and got approval in 2018. Due to a new process, he needed to bring it to the Planning Commission for approval. Next, he explained the changes made to the building design, including the use of a Flex Plan and options for stairs and floor plans. He provided measurements of the building's gross internal area at 599 square feet and net internal area totaling 563 square feet of living space. Jenkins explained the difference between gross internal area and finished living space, clarifying that building codes affect the latter.

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 7:14 pm.

F. Commission deliberation:

The applicant has applied for special land use approval to rent an existing accessory dwelling unit (ADU) 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 ADUs.

G. Commission action:

Motion by LaChey, second by Bagierek that the application for special land use at 831 Holland Street in the City of Saugatuck be approved allowing the rental of an existing accessory dwelling unit ADU in accordance with section 154.026 (C)(3) of the Zoning Ordinance. Upon roll call vote, motion carried 6-0.

B. 132 Mason 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 Vice-Chair Broeker at 7:18 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 and within an existing patio area outside of the 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 use.

The expanded outdoor seating area was approved by the Historic District Commission on April 4. The current proposal is the same as carried out in four previous seasons, and it includes tables and chairs in front of the building and within one parallel parking space. The special land use request includes the following:

1. Three tables with three chairs each are proposed in the existing patio area in front of the building.
2. Three tables with three chairs each are planned to be placed within one public parking space within the City's right-of-way. The tables and chairs will be the same as those provided in previous seasons, as shown in the pictures in the application and as evident in street-view online imagery. Although dimensions are described, no images of the benches, trash container, or market-style string lights were provided.

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

C. Presentation by the Applicant:

The applicant Brian Barnhill presented the application on behalf of he and his wife Lisa Barnhill. They are seeking approval for a restaurant with outdoor seating and expanded outdoor dining area. Barnhill explained that they haven't been at the location

long enough to make any changes and would be doing exact same set-up as previous owners using a couple of benches and tables.

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 7:21 pm.

F. Commission deliberation:

The applicant requests special land use and site plan approval for a restaurant with expanded outdoor seating within the public right-of-way and within an existing patio area outside of the 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 use.

G. Commission action:

Motion by Anderson, second by Gaunt to approve the special land use and site plan request for expanded outdoor dining at 132 Mason Street, contingent upon the following:

1. *Secure all other applicable approvals from City departments, the fire department and applicable outside agencies.*
2. *Provide all Expanded Outdoor Dining Area checklist items in accordance with Section 154.092 (O)(2)b (license agreement, fee, insurance, food licenses, attestation concerning lighting and reflectors, and attestation concerning tax payments.*

Upon roll call vote, motion carried 6-0.

B. 128 Hoffman 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 Vice-Chair Broeker at 7:25 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 use.

The expanded outdoor seating area was approved by the Historic District Commission on April 4. The current proposal is the same as previous seasons, and it includes tables and chairs on the sidewalk area and within two parallel parking spaces. The special land use request includes the following:

1. Four square tables with four chairs each are proposed along the sidewalk and tree lawn area.

2. Two square tables with four chairs and three round tables with barstools are proposed within the public parking spaces in front of the building.

Previously approved outdoor seating is located outside of the right-of-way directly in front of the building.

The applicant has provided images of the outdoor seating area from previous years, although images show lounge chairs with blue cushions to the west side of the parking spaces. The proposed barriers are black metal with attached LED string lights. The chairs, barstools, and round tables are black, while the square tables have white tops with black legs. A black garbage can is placed in the central area. However, specifications on the sanitation station were not provided.

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:

The applicant, Tom Arnold, presented the application. He explained the parking situation for the restaurant, clarifying that there are only two parking spots in front of the building and said that the updated site plan shows it taking up 40 feet of space being taken up by fencing, not 50-80 feet. He also mentioned that he has reflectors on the outdoor dining area, with green rectangles noted on the plan indicating their location for safety purposes. This is the same plan used in previous years.

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 7:33 pm.

F. Commission deliberation:

The board went into deliberation and discussed the applicants request for a 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 use.

G. Commission action:

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

- 1. Demonstrate the compliant placement of electrical cords.*
- 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 and food license).*

Upon roll call vote, motion carried 6-0.

7. Communications:

- A. Craig Baldwin
- B. Diane Decker
- C. Ethan Barde
- D. Gary Medler

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:

- **Bagierek:** He had questions regarding outdoor seating areas and if they go to the Zoning Administrator automatically to update their license agreement or do they have concerns about them not getting in on time or if they had a deadline. Cummins explained that the deadline is

when the business wants to get their seating in place. He said that they also send emails and letters to business owners to let them know the process.

- Anderson: She and Mayor Pro Tem Baldwin attended a public hearing in Lansing on 4/17/24 for Representative Joey Andrews proposed bill on short term rental. There is a bill for short term rental regulations in Michigan, that includes an excise tax that would come back to the cities that they could spend in any way, whether it is on parks or infrastructure, since short term rentals don't pay some of the same taxes as hotels and bed & breakfasts. She thought it was a very interesting experience with the Mayor of New Buffalo, Mayor of Traverse City, a representative of the real estate industry, and travel and lodging, Airbnb, and Expedia all in attendance. Anderson thinks that the bill will probably still be tweaked a bit, and it was hard to gauge when it makes it out of committee. She said that it was great to hear that one of the people who represents an association for Michigan short term rental owners, compliment Saugatuck on their approach to short-term rental.

11. Adjournment:

Motion by Gaunt, second by Bagierek, to approve adjournment of the meeting. Upon voice vote, motion carried 6-0. Vice-chair Broeker adjourned the meeting at 7:41 pm.

Respectfully Submitted,

Sara Williams, Deputy Clerk