



Regular Meeting Minutes – January 23, 2024

Chairperson Chris Conroy called the regular meeting of the Pentwater Village Planning Commission Meeting to order at 6:11 pm, in-person at Park Place, 310 N. Rush Street, Pentwater, with the Pledge of Allegiance.

ROLL CALL

Present: Kyle Jansen, Bruce Koorndyk, Amy Roberson, Chris Conroy.

Absent: Phil Frame, Mary Marshall, and Ron Stoneman.

Staff Present: Rande Listerman, Clerk/Treasurer and Brian Monton, Village Attorney.

APPROVAL OF AGENDA

Motion by Jansen, second by Roberson to approve the agenda with one correction Item D change the date to November 28, 2023.

Voice Vote: Aye: 4. Nay: 0. Absent: 3. Motion passed.

APPROVAL OF REGULAR MEETING MINUTES

Motion by Roberson, second by Koorndyk to approve the November 28, 2023, regular meeting minutes as presented.

Voice Vote: Aye: 4. Nay: 0. Absent: 3. Motion passed.

PUBLIC COMMENTS FOR ITEMS ON THE AGENDA

None.

PUBLIC HEARING

Chairperson Conroy opened the Public Hearing at 6:12 pm.

No public comments.

Chairperson Conroy closed the Public Hearing at 6:12 pm.

OLD BUSINESS

None.

NEW BUSINESS

A. Text Amendment Change

Chairperson Chris Conroy read the memo from the Zoning Official Kate Anderson.

Motion by Jansen, second by Roberson to entertain the text amendment request.

Discussion was held.

Chairperson Chris Conroy had a concern regarding the appearance on the street that it exists. I am not sure we would not face some unintended consequences shortening the 17-foot set back on either of the corners. Also, unintended consequences on the neighborhood look and feel.

Section 20.05 Criteria for Amendment of the Official Zoning Ordinance Text

The Planning Commission and Village Council shall, at minimum, consider the following before taking action on any proposed amendment to the text of this Ordinance:

- A. Compatibility with the basic intent and purpose of the Ordinance;
 - The Planning Commissioners agrees that the proposed amendment is not consistent with the basic intent of the Ordinance.
- B. Consistency with the goals, objectives, and future land uses of the Village of Pentwater Master Plan, including a sub-area or corridor studies;
 - No, the Planning Commissioners stated that they recommend a study be conducted of corner lots in the Village.
- C. The requested amendment will correct an error and/or clarify an ambiguity in the Ordinance;
 - No, the Planning Commissioners stated it will not correct an error and/or clarify an ambiguity. So many of the Village streets are inconsistent in width.
- D. The requested amendment will resolve an inequitable situation created by the Ordinance and does not grant special privileges;
 - No, the Planning Commissioners stated that there is not an inequity in the current Zoning Ordinance.
- E. The requested amendment will not result in unlawful exclusionary zoning;
 - The Planning Commissioners agree that the requested amendment would not result in unlawful exclusionary zoning.
- F. There is documentation from Village staff or the Zoning Board of Appeals indicating problems and conflicts in implementation or interpretation of specific sections of the Ordinance;
 - The Planning Commission stated that there is no documentation provided by Village Staff or Zoning Board of Appeals that there is a problem or conflict with the specific section of the Ordinance at this time.

- G. The requested amendment will address changes in State or Federal legislation or regulations or other Village ordinances; and
- The Planning Commission agrees that the requested amendment in the Zoning Ordinance does not address changes in State or Federal legislation or other Village ordinances.
- H. The requested amendment will resolve potential legal issues or administrative problems with the Ordinance based on recent case law or opinions rendered by the Attorney General of the State of Michigan.
- The Planning Commissioners stated that there is not any potential legal issues or administrative problems with the current zoning that it would need to be changed at this time.

Discussion was held.

Chairperson Chris Conroy felt the first and secondary lot line proposed changes is froth with unintended consequences if we stray away from the definition we already have. I feel before we modify the zoning text, we need a study of all the Village's corner lots to determine what the impact is with the Complete Street Guide, utilities, standards for neighborhood design.

John Perles asked to address the Board.

For what it is worth a lot of these ordinances are verbatim extractions from different communities. It was how a lot of small communities' ordinances were created. They take an ordinance from another community and ghost it for their community. That was the case here. Since the Village of Pentwater was established in the mid 1800's some of the text in the ordinances does not conform with the way properties are now. In speaking with Katie most of the corner lots in the village do not comply, so if someone needed to rebuild a dwelling on a corner lot, for example after a fire, they would not be able to conform to the current language in the ordinance. The primary line is easier to conform to, but the side set back requires 33 feet from the center of the road plus 17 feet with some of the current plated roads it makes this disproportionate on the secondary road on a corner lot. For instant in our case Plymouth Street is only 18 feet wide and the main street is Lowell, which is 24 feet wide. So, there is a big discrepancy even though you are using the same point of reference on both streets. So, the unintended consequences, you need to be the same distance from both roads and it makes a corner lot almost unusable unless you are going to build, like a row house. So, if you look at the City of Hart's ordinance, they do not reference the center of the lot. They make the lineage from the primary and secondary street.

Chairperson Chris Conroy stated she was going to cut Mr. Perles off at this point. I do not want this text amendment change to be for one particular property. This has to apply to the whole Village. So, before we do a rush to judgement on giving away 11 feet on a corner lot. From a visual standpoint and a congestion standpoint I am reluctant to encourage us to adopt this at this time.

Kyle Jansen can we consider something that takes in the width of the street?

Village Attorney Brian Monton stated if you are uncomfortable with this because it is throughout the whole Village you can recommend that the Village does a study on corner lots in throughout the Village. You do not have to make a decision on the day of the Public Hearing. However, you should not delay it months and months. So, you can vote today to table this for a later date.

Bruce Koorndyk asked when was the Ordinance written.

Attorney Brian Monton when I was in high school.

Bruce Koorndyk why I asked the question is I built my house on a corner lot, and I followed the setbacks. There are homes being built right now on corner lots and they followed the setbacks like the one on Wythe Street.

Chairperson Chris Conroy says the Zoning Ordinance was adopted in 1999.

The first **Motion** was rescinded by Jansen.

Motion by Jansen, second by Roberson to recommend to the Village Council deny the text amendment change to section 3.05D and 6.04 as it is written pertaining to setback requirements of corner lots and the council consider hiring a consultant to have a study done on corner lot setbacks throughout the village.

Roll Call Vote: Yes: 3 - Jansen, Roberson, and Conroy.
No: Koorndyk Absent: 3.

B. March Meeting – Date Reschedule

Motion by Roberson, second by Jansen to re-schedule the March 26, 2024, regularly scheduled meeting to April 2, 2024, at 6:00 pm.

Roll Call Vote: Yes: 4 - Jansen, Koorndyk, Roberson and Conroy.
No: 0. Absent: 3.

C. Set Public Hearing for Text Amendment Change

Motion by Roberson, second by Jansen to set the Public Hearing for a Text Amendment Change to February 27, 2024, at 6:15 P.M.

Roll Call Vote: Yes: 4 - Jansen, Koorndyk, Roberson and Conroy.
No: 0. Absent: 3.

COMMITTEE/DEPARTMENT REPORTS

- A. Zoning Administrator** – Ms. Anderson’s written report was accepted by the Planning Commission.
- B. Zoning Board of Appeals** – No Meeting, No Report.

PUBLIC COMMENTS

None.

COMMUNICATIONS FROM PLANNING COMMISSION MEMBERS

None.

ADJOURNMENT

Motion by Roberson, second by Koorndyk to adjourn the meeting at 6:57pm.

Voice Vote: Aye: 4. Nay: 0. Absent: 3. Motion passed.

Respectfully Submitted,
Rande Listerman, Clerk/Treasurer

Approved by the Village of Pentwater Planning Commission on _____.

DRAFT