



VILLAGE OF PENTWATER

Planning Commission

ON PENTWATER LAKE AND LAKE MICHIGAN
327 South Hancock Street, P.O. Box 622, Pentwater, Michigan 49449
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Regular Meeting Minutes – October 17, 2018

Chairman Ron Christians called the regular meeting of the Pentwater Village Planning Commission Meeting to order at 7:02 PM, with the Pledge of Allegiance.

ROLL CALL

Present: Ron Christians, Mark Benner, Paul Anderson, Rand Gee, Michelle Angell-Powell and Kirstin McDonough.

Absent: Bruce Koorndyk.

Staff Present: Keith Edwards, Zoning Administrator and Barb Siok, Recording Secretary.

Also present: Village Attorney, Brian Monton.

APPROVAL OF AGENDA

Motion by Benner, second by Anderson to approve the Agenda as presented.

Voice Vote: Aye: 6 Nay: 0 Absent: 1 Motion passed unanimously.

APPROVAL OF REGULAR MINUTES

Motion by Angell-Powell, second by Anderson to approve the September 19, 2018 regular meeting minutes as presented.

Voice Vote: Aye: 6 Nay: 0 Absent: 1 Motion passed unanimously.

PUBLIC COMMENTS – None.

PUBLIC HEARING I – Proposed Rezoning of 10 Channel Lane, the Channel Lane Inn, from R-2, Single Family Residential to C4, Hotel Resort.

Motion to open Public Hearing I by Anderson, support by Angell-Powell. By unanimous consent, Chairman Christians opened the public hearing at 7:04 PM.

Public Comments –

Lisa McKinney, proprietor of 10 Channel Lane, explained purpose of application to secure the hotel and her concerns that if there were to be a fire that she would not be able to rebuild it and because it is non-conforming, would not be able to get financing even for improvements. She said that it is her home and because there is no parking is not considering a restaurant or bar. She said that C4 does allow a hotel to include a restaurant serving food and drink for consumption on the premises in conjunction with the hotel operation and if she wanted to provide breakfast for her guests upstairs or lunch, could provide food for her guests in conjunction with a hotel and the new zoning would allow.

Public Comments – continued

Ted Cuchna, 529 Clymer, said there was no attachment for proposed additions or revisions to the property to indicate a request for zoning. He said that if it were approved as non-conforming that it stays that way. His concerns were if the proposed building project did not meet set back or area requirements, it could cause a problem. He said if somebody wanted a bed and breakfast they would ask for a bed and breakfast zoning. He said this was like the Nickerson Inn new developer not issuing a site plan prior to requesting the zoning for a hotel.

Karen Theibert, 84 Mears Street and 443 S. Morris Street, recalled concerns from when the previous owners, the Schlattmans built additions in the 1990's; law suits were filed and there was a Consent Judgement. She said the same concerns remain today regarding lighting, parking, traffic and food. She said her concern is if this gets rezoned, you can never go back.

Dave from Insignia Homes, asked Mr. Edwards if for commercial zoning, does 50% footprint for impervious surfaces apply. Mr. Edwards replied there was no maximum and would allow the entire property to either be utilized for building or parking or other purposes associated with a hotel C4 district, a single family has a 50% maximum.

Laura Voelker, 51 Bridge Street and 80 Bridge Street, said she is concerned about the possible change from 50% to 100% impervious and setbacks. She said the garage drip line is on her lot line and if there was to be an expansion, there would be a considerable potential run off problem and is opposed to any expansion.

Mr. Christians summarized the correspondence received as follows (letters placed on file):

Phil & Susan Carson, 85 Channel Lane, oppose the Channel Lane Inn zoning application.

Sally Fortner, 41 N. Carroll, against zoning change from residential to hotel.

Edward Tave Reser, (195 Channel Lane) 85 Mears Street, support zoning request.

John & Betsy McIntyre, 195 Channel Lane & 35 Channel Lane, in favor of rezoning.

Maxine Macleod, 15 Channel Lane, oppose and concerned regarding rezoning.

Laura Voelker, 51 Bridge Street, does not support request for rezoning.

Tim Diehl, 173 Green Street, family owned since 1930s, opposed to rezoning.

Alicia Diehl, 173 Green Street, states rezoning request must be denied.

Valerie Church McHugh, 160 Green Street, opposed rezoning and stated concerns.

Karen (DiPangrazio), Ann Hayes & Robert DiPangrazio, 84 Mears, does not support rezoning.

Shane McKinney, 10 Channel Lane, supports the rezoning application stating parking is a problem whether it is on Channel Lane or Main Street. He said they have no desire to obtain a liquor license and would like to be able to utilize their garage due to restrictions.

Motion to close Public Hear I by Paul Anderson, support by Rand Gee. By unanimous consent, Chairman Christians closed the public hearing at 7:37 PM.

PUBLIC HEARING II - Zoning Proposed Zoning Ordinance Amendments for Residential Uses and Marinas in the C3, Central Business District.

Motion to open Public Hearing II by Mark Benner, support by Michelle Angell-Powell. By unanimous consent, Chairman Christians opened the public hearing at 7:38 PM.

Public Comments –

Barry Monroe, 370 E Rutledge, 215 S. Hancock, stated that he is in support of proposed zoning.

Mr. Edwards explained Chapter 17 current zoning ordinance parking requirements for residential uses and marinas. The Planning Commission is proposing that the requirement be changed for residential parking in the downtown district from 2 spaces to 1 space per unit and for the Marina, changing from 1 space per boat slip to 1 space for every 2 boat slips. It also allows the Village Council to designate certain spaces to meet the requirements for Chapter 17.

Dan Nugent, 383 S. Rush street and business owner stated his support for rezoning of parking.

Motion to close Public Hearing II by Paul Anderson, support by Mark Benner. By unanimous consent, Chairman Christians closed Public Hearing II at 7:42 PM.

OLD BUSINESS – None.

NEW BUSINESS –

A. Discussion regarding the rezoning of 10 Channel Lane from R-2, Single Family Residential to C4, Hotel Resort.

Michelle Angell-Powell stated even though there are concerns, suggests considerations of conditional rezoning with stipulations. Brian Monton, Village Attorney, said that it is possible to create a new zone. Rand Gee asked if C4 incorporates both hotel and motel and if there was a separate zoning ordinance for a motel. Mr. Edwards replied that it is allowed in the C1 district. He suggested the board continue reviewing what was received tonight and looking through the zoning ordinance with the suggestions from Attorney Monton regarding the rezoning criteria and rezoning issues. Mr. Benner agreed in creating a new zone.

Motion by Michelle Angell-Powell, second by Kirstin McDonough to table the proposed rezoning of 10 channel Lane from R-2, Single Family Residential to C4, Hotel Resort until next month's meeting, November 21, 2018.

Voice Vote: Aye: 6 Nay: 0 Absent: 1 Motion passed unanimously.

Time now 7:55 PM. Recess to reconvene at 8:00 PM.

Chair Ron Christians reconvened the meeting at 8:00 PM.

B. Request for approval for front porch addition to the nonconforming building at 863 E. Park Street.

Mr. Edwards summarized the request from property owners at 863 E. Park Street. He said the information recently presented confirms the building is nonconforming and the existing porch has a roof which extends 6 feet into the required setback. In summary the conditions have all been met. He said by the evidence received, with no detrimental impact, the Planning Commission has the authority to approve the expansion of the porch additional length towards the east and if chooses, endorse the request for the 8 feet. Michelle Angell-Powell stated that she had taken measurements and comparisons. She said there are no utilities on that side of the road and access to gas and sewer will not be blocked. She said it is consistent with the neighborhood and will be an asset to the house. Park Street has a wide right-of-way.

Motion by Mark Benner to approve the application of expansion to extend the front porch line to the existing plain by the authority allowed by the Planning Commission, support by Paul Anderson.

Voice Vote: Aye: 6 Nay: 0 Absent: 1 Motion passed unanimously.

Motion to endorse the request for approval of 863 E. Park Street for a variance to the Zoning Board of Appeals by Michelle Angell-Powell, support by Paul Anderson.

Voice Vote: Aye: 6 Nay: 0 Absent: 1 Motion passed unanimously.

C. Request for approval for main floor addition to the nonconforming building at 599 E. Sixth Street.

Motion by Michelle Angell-Powell to approve the request for the main floor addition to the nonconforming building at 599 E. Sixth Street, support by Paul Anderson.

Architectural drawings were submitted. They start at 100 feet, not zero.

Voice Vote: Aye: 6 Nay: 0 Absent: 1 Motion passed unanimously.

D. Discussion regarding Zoning Ordinance Amendment for Residential Users and Marinas in the C3, Central Business District.

Motion supporting the Zoning Ordinance for Residential Users and Marinas in the C3, Central Business District with a recommendation to the Village Council by Michelle Angell-Powell, support by Mark Benner. Mr. Edwards said this would allow the Village Council to have an active management role to meet the requirements.

Voice Vote: Aye: 6 Nay: 0 Absent: 1 Motion passed unanimously.

E. Discussion regarding Planning Commissioner responses to the questionnaire provided by Mika Meyers for short-term leasing.

Mr. Edwards provided a questionnaire aimed at regulating short-term rentals as presented by Attorney Mark Van Allsburg. Regulation of short-term renting or leasing is aimed at addressing many issues including off-street and on-street parking, number of persons per building and property, building safety, fire safety and public health. The questionnaire is intended to gather Planning Commissioner viewpoints of these and

other issues for return to the attorney in order to craft a regulatory strategy. Request from Planning Commission board to submit to Mr. Edwards by October 31, 2018.

F. Discussion of Existing and Future Land Use in the Downtown Study Area.

Mr. Edwards compared two maps for the downtown area stating the difference is that one shows future land use map. He said the board will be asked consideration of primarily commercial zoning differing from zoning map which extends the commercial district of Second Street to Carroll down to Fifth which are not on the map. He said the board needs to look at First Street North to Lowell Street and whether it should be zoned C3 or if appropriate for a hotel and future commercial land use for Sixth Street.

COMMITTEE/DEPARTMENT REPORTS

A. Zoning Administrator – Mr. Edwards’ written report was received by the Planning Commission.

B. Zoning Board of Appeals - ZBA Meeting for September 5, 2018 minutes received.

COMMUNICATIONS FROM PLANNING COMMISSION MEMBERS – Mr. Benner stated that he will be speaking at the Women’s Club meeting and shared an invitation that was given to the citizens of Mt. Pleasant for their 2050 Master Plan. He asked Chair Christians to put on the agenda for the next meeting, November 21, to officially discuss the Pentwater Master Plan for the future and the community input of the PTW2030 project.

PUBLIC COMMENTS – None.

ADJOURNMENT - The meeting was adjourned by Chairman Ron Christians at 8:55 PM.

Next Scheduled Planning Commission Meeting - November 21,2018

Respectfully Submitted,

Keith Edwards, Zoning Administrator

October 19, 2018

Minutes prepared by Recording Secretary, Barb Siok

October 19, 2018

Approved by the Village of Pentwater Planning Commission on November 28, 2018.