

# VILLAGE OF PENTWATER

ON PENTWATER LAKE AND LAKE MICHIGAN  
327 South Hancock Street, P.O. Box 622, Pentwater, Michigan 49449  
(231) 869-8301 - FAX (231) 869-5120  
[www.PentwaterVillage.org](http://www.PentwaterVillage.org)

**Planning Commission Meeting Agenda  
Community Room – 327 S. Hancock St.  
Wednesday, February 15, 2017  
7:00 P.M.**

- I. Opening
  - A. Call to Order and Pledge of Allegiance.
  - B. Roll Call.
- II. Approval of Agenda and Minutes
  - A. Approval of Agenda.
  - B. Approval of Minutes of the Meeting held January 18, 2017.
- III. Public Comments
- IV. Department/Committee Reports
  - A. Zoning Administrator – See attached report.
  - B. Zoning Board of Appeals – None.
- V. Old Business
  - A. Discussion of Community Planning in the Village.
    - 1. Identification of existing plans.
    - 2. Timeline for review of existing plans.
  - B. Discussion of Zoning Ordinance Amendments.
    - 1. Identification of problem areas.
    - 2. Outline for review of existing problem areas and proposed solutions.
- VI. New Business
  - A. 336 N. Rush Street - Review of proposed expansion of existing non-conforming building.
- VII. Communications from Planning Commission Members
- VIII. Public Comments
- IX. Adjournment





## VILLAGE OF PENTWATER

### Planning Commission

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## Regular Meeting Minutes – January 18, 2017

Chairperson Christians called the regular meeting of the Pentwater Village Planning Commission Meeting to order at 7:03 P.M. with the Pledge of Allegiance.

### ROLL CALL

**Present:** Ron Christians, Michelle Angell-Powell, Mark Benner, Bruce Koorndyk, & Kirstin McDonough

**Absent:** Paul Anderson

**Staff Present:** Keith Edwards, Zoning Administrator

### APPROVAL OF AGENDA

**Motion** by Angell-Powell, second by McDonough to approve the Agenda as amended, adding item "A", Election of Vice Chairperson under new business; adding a welcome to the new Zoning Administrator, Keith Edwards as item "D" under new business; and adding item "E", Future Agenda Items under new business.

Voice Vote: Aye: 5                      Nay: 0                      Absent: 1                      **Motion carried.**

### APPROVAL OF REGULAR MINUTES

**Motion** by Angell-Powell, second by McDonough to approve the December 13, 2016 regular meeting minutes as presented.

Voice Vote: Aye: 5                      Nay: 0                      Absent: 1                      **Motion carried.**

### PUBLIC COMMENTS ON AGENDA ITEMS

None

### COMMITTEE/DEPARTMENT REPORTS

#### A. Zoning Administrator

Edwards reported that no Zoning Permits had been used thus far for January 2017.

#### B. Zoning Board of Appeals

No meeting. No report.

### OLD BUSINESS

None

## **NEW BUSINESS**

### **A. Election of Planning Commission Vice Chairperson**

**Motion** by Benner, second by McDonough to nominate Michelle Angell-Powell for the Planning Commission officer position of Vice Chairperson, to fill the remainder of the term held by former member Dan Hookstra, which ends in June, 2017. Discussion ensued and Chairman Christens called for the vote.

Voice Vote: Aye: 5            Nay: 0            Absent: 1            **Motion carried.**

### **B. Discussion of the Zoning Ordinance**

The Planning Commission discussed the Township of Pentwater's recommendation to the Township Board of Trustees to publish separate Zoning Ordinances in the Village and Township due to cumbersome amendment process and comments from the Township Attorney on interpretation, administration and liability. Edwards offered and the Planning Commission achieved consensus to allow the presentation of an outline at the next meeting to amend the Zoning Ordinance.

### **C. Discussion of the Master Plan**

The Planning Commission discussed the some of the content of the Master Plan which was completed by the planning consultant with little vision or effective implementation strategy, even though the document meets the state requirements of the Michigan Planning Enabling Act. Edwards offered and the review the current Master Plan with the Planning Commission at their next meeting.

### **D. Welcome to New Zoning Administrator**

The Pentwater Planning Commission welcomes Keith Edwards as the Zoning Administrator for the Village of Pentwater and assisting the Commission in the performance of Staff duties and responsibilities as defined in the Bylaws of the Planning Commission.

## **COMMUNICATIONS FROM PLANNING COMMISSION MEMBERS**

None.

**ADJOURNMENT**

Motion by Benner second by Koorndyk to adjourn the meeting at 9:25 pm.  
Voice Vote: Aye: 5            Nay: 0            Absent: 1            **Motion carried.**

Christians adjourned the meeting at 7:55 p.m.

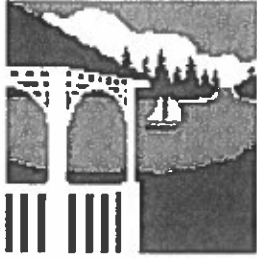
Respectfully Submitted,

\_\_\_\_\_  
Keith Edwards  
Zoning Administrator

\_\_\_\_\_  
Date

UNAPPROVED





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## **ZONING ADMINISTRATOR'S REPORT** **February 3, 2017**

The following is a summary of activity conducted by the Zoning Administrator in January, 2017.

### **Code Enforcement**

I have investigated one complaint of someone building a deck without a permit. It turned out to be some minor repair to a front porch that is no higher than 32 inches above grade and therefore does not require a building permit. The porch also conforms to the Zoning Ordinance and the repairs did not require a Zoning Permit.

### **Planning Commission**

The Planning Commission met on January 18, 2017 to discuss the Zoning Ordinance and Master Plan. The next Planning Commission is scheduled for February 15, 2017 where we will be reviewing the contents of the current master plan and looking at an outline that I will prepare for some minor changes to the Zoning Ordinance.

### **Zoning Board of Appeals**

The Zoning Board of Appeals did not meet in January.

### **Zoning Permits**

No Zoning Permits were issued in the month of January, 2017.

### **Other Comments**

It is my pleasure to be working for the Village of Pentwater and Pentwater Township.

Sincerely,

*Keith J. Edwards*

Keith Edwards  
Zoning Administrator





## MEMORANDUM

To: Pentwater Township Planning Commission

From: Keith Edwards, Zoning Administrator

Date: February 10, 2017

Subject: **Proposed Expansion of Existing Nonconforming Building  
336 N. Rush Street, Village of Pentwater – 044-133-009-00**

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The owner of 336 N. Rush Street, Robin Reser-Martens is proposing a single story 1,152 sq. ft. addition (approx.) the circa 1880's farm house. The proposed addition consists of a bedroom, bathroom with laundry (approx. 576 sq. ft.) and a 24 ft. x 24 ft. attached. The existing 22 ft. x 24 ft. detached garage is proposed to remain on the property.

The existing home is situated on the east side of Rush Street, south of Hanover Street on an interior lot comprised of lots 9 and 10 of Block 3 of Cobb's Addition to the Village of Pentwater. The property is located within the R-2, Single Family Residential Zoning District, and contains approximately 30,000 sq. ft.

The home has an existing front setback of 11 feet on Rush Street where 17 feet is required. The owner proposes to construct the addition with a 12 ft. front setback to Rush Street and a 24 ft. side setback to the north lot line. The rest of the existing home will remain as is, with a 10 ft. side setback existing to the south and retaining the approximately 180 foot setback to the rear lot line. The proposed addition will be located approximately 50 ft. from the nearest portion of the existing detached garage. The proposed addition does not exceed the maximum building height requirements of 35 feet. Lastly, the proposed addition will not cause the lot coverage to exceed 50% of the lot area in accordance with Section 6.04.E of the Zoning Ordinance.

**With the addition of the proposed garage, the allowable gross floor area (GFA) of accessory buildings as described in Section 3.08.D.1.b would be exceeded.** I have calculated the existing GFA of the existing garage as 528 sq. ft., and the GFA of the proposed attached garage at 576 sq. ft., for a total of 1,104 sq. ft. Thus, the applicant has been asked to provide more exact calculations of these spaces, and to either reconsider the design of the proposed attached garage or to seek a variance from the Zoning Board of Appeals.

Nonetheless, the Planning Commission has been requested to review the proposal in response to Section 3.24 et. seq., Non-Conforming Buildings and Uses. The residential use of the property as a single-family residential use conforms to the permitted uses within the R-2, Single Family Residential Zoning District requirements of Chapter 6 of the Zoning Ordinance. The proposed expansion of the building does not change the permitted uses of the property. Thus, the Planning

Commission should direct its focus to Section 3.24.B.1 of the Zoning Ordinance to consider the following conditions for approval:

**Section 3.24.B Nonconforming Buildings or Structures**

1. Nonconforming building(s) or structures may only be extended, enlarged, altered, remodeled or modernized when the Planning Commission determines that the following conditions are met:

- a. The building or structure shall comply with all height, area, and/or parking and loading provisions with respect to such extension, enlargement, alteration, remodeling or modernization.

**Upon Planning Commission approval of Section 3.24.B. 8 (see below) this requirement will be met.**

- b. The enlargement or extension is limited to the same parcel the nonconforming building or structure was located on at the time of the adoption of this Ordinance.

**This condition has been met in accordance with the applicant's proposal.**

- c. The enlargement or extension will not interfere with the use of other properties in the vicinity.

**This condition has been met in accordance with the applicant's proposal.**

- d. The enlargement or extension shall not exceed fifty percent (50%) of the GFA of the original building or structure when it became nonconforming; except that the Planning Commission may permit a greater percentage where all yard setbacks for the district in which the building is located are met without need of a variance to such setback(s).

**This condition will be met only with Planning Commission approval of this requirement and Section 3.24.B.8 below. The existing home is approximately 1,100 sq. ft. in size and the proposed addition of approximately 1,100 sq. ft. exceeds this requirement.**

8. Where a building or structure is nonconforming for setback by a distance equal to or less than on-half of the distance required by this ordinance, the nonconforming setback (may) be extended along the same plane as the existing nonconforming setback, provided that in so doing, the setback itself is not further reduced and all other required setbacks are met.

**The applicant has proposed to indent the front of the proposed addition one ft. (1 ft.) to observe a 12 ft. front setback, where the existing home is setback**

**11 ft. and the required setback is 17 ft. from the property line along Rush Street.**

**Recommendation**

At this time, Staff recommends the Planning Commission consider approval of the requested addition to 336 N. Rush Street subject to consideration of the following items:

1. The applicant will redesign the proposed addition or otherwise comply with Section 3.08.D.1.b of the Zoning Ordinance for the allowable area of accessory buildings;
2. The Planning Commission approves the proposed addition to exceed the 50% allowance in accordance with Section 3.24.B.1.d.; and,
3. The front setback of the proposed addition meets the requirements of Section 3.24.B.8 of the Zoning Ordinance with the proposed 12 ft. front setback as shown on the survey.



## **MEMORANDUM**

**To:** Village of Pentwater Planning Commission

**From:** Keith Edwards, Zoning Administrator

**Date:** February 14, 2017

**Subject:** Planning for the next 150 years

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Sorry about the subject line, but I couldn't resist. I was so happy at our last meeting to be able to talk candidly with the Planning Commission. There is nothing in the Michigan Planning Enabling Act that says we have to stay within the box that the State of Michigan says is a master plan.

The term "master plan" comes out of the discipline of Architecture as does the relatively new pursuit of Land Use Planning. Master planning really was an exercise done by architects to consider the comprehensive systems that go into the design of a building, from estate sized homes to skyscrapers. In a twist of that type of exercise, some of America's greatest cities were planned (designed) by architects, i.e. Washington D.C., San Francisco, Detroit, and my personal favorite, Chicago, just to name a few. Certainly, we are not building New Chicago, but the idea is the same, just on a smaller scale.

In the not so distant past, I am only 50 after all, local municipalities created what was called a Comprehensive Plan. This plan would address all the systems that make a community tick and keep everything in one place and appoint one body over its implementation and updating. These Comprehensive Plans addressed things like the conditions of streets and the public way, utilities, specific designs for things like downtowns and other commercial centers (regional malls in the late 60's and 70's, schools, libraries, parks and other forms of recreation, economic development, etc. More recently, however, because of the way that the state and federal agencies dole out grant and loan dollars, each of these agents in charge of certain parts of the community system had to have their own plans, each group becoming a silo of a committee and plan, and not joining hands with other silos, in order to get the funding they needed. Unfortunately, these state and federal requirements have caused communities to abandon the idea of establishing a big picture for our communities and a central place to be the champion for the future of our communities. But there is nothing wrong with the Village and Township working together to both meet the requirements of state law and providing for the welfare of the entire community.

My draft game plan for the future of planning in Pentwater is this:

1. Review our extant plans, documents that currently drive activity in Pentwater such as the Village and Township Master Plans, Sustainable Harbors Plan, Parks and Recreation Plan, Utility Plan, Capital Improvements Plan, etc. I would provide a summary of these individual plans.

2. Ask other silos like the DDA, DPW, Chamber of Commerce, Service Club and other entities to give an overview of the work that they do to improve the community to the Planning Commission.
3. Develop an outline for a comprehensive plan to contain elements of the above information toward the goal of planning for our community's future in a comprehensive way.

I would like to discuss the above with the Planning Commission at Wednesday's meeting and prepare a road map for discovering our path at the next meeting.

## **MEMORANDUM**

**To:** Village of Pentwater Planning Commission

**From:** Keith Edwards, Zoning Administrator

**Date:** February 14, 2017

**Subject:** **Game Plan for Zoning Ordinance Amendments**

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Previously, Sara Bizon and I have chatted about amendments to the Pentwater Community Zoning Ordinance because of the problems that we had documented over the course of our tenure. There are simple typographical errors, formatting and publishing errors (such as wrong footnotes and page numbers) to correct as well as some more complicated issues to discuss. Below is a short list of the major issues:

1. Nonresidential uses in residential districts,
2. Review of principal uses, i.e. more than one principal use building on a lot or parcel,
3. Review of accessory buildings on lakefront lots,
4. Attached and detached accessory buildings,
5. Averaging front (including lakeside) setbacks,
6. Definitions including setbacks, yards, dwelling units, family, buildings and structures, retail, commercial, road side stand, temporary uses, enclosed and attached structures, waterfront, shoreline, riparian and littoral,
7. Consideration for defining certain uses like restaurants, open air businesses, food trucks, drive-throughs, micro-breweries, etc.
8. Outdoor storage as it relates to RVs and camping.
9. Outdoor storage of materials as it may conflict with the International Property Maintenance Code,
10. Site plan review requirements and standards for plot plans submitted for zoning permits, and,
11. Interpretations.

Thus, my draft game plan is this:

1. Fix the typos, formatting and publishing errors;
2. Fix the obvious problems with Chapter 2 – Definitions and Chapter 3 – General Provisions, these two chapters go together like peanut butter and jelly, one without the other is not a PBJ sandwich.
3. Review the permitted and special use categories in each of the zoning districts like the Single Family Residential, Multiple Family Residential and Waterfront Zoning Districts. The Waterfront District should be considered as an overlay district rather than its own district in my opinion, and it should be mapped.

4. We should review the General Business and Central Business Districts next especially considering the permitted and special land use sections of those chapters. We should probably review the parking and sign regulations along with these districts.
5. I would like to review the Hotel Resort and Residential Office Districts next as these two are sort of specialty districts. I would like to review them in their similarities and differences to the Residential and Commercial Districts as well as review the Zoning Map with regard to their designations.
6. Next, I would like to review Chapters 14, 15 and 16 with a critical eye on general standards for site plans, general and use specific standards for special land uses, and review the ins and outs of PUDs as a zoning districts vs an overlay in any district.

I would like to discuss the above outline with the PC, make any tweaks necessary and then begin working specifically on item 1 above for our next meeting.

I also would like to talk with the Village Manager about funding for revised mapping, which I cannot do in-house.