

VILLAGE OF PENTWATER

65 South Hancock Street, P.O. Box 622, Pentwater, Michigan 49449
(231) 869-8301 - FAX (231) 869-5120
www.pentwatervillage.org

**Planning Commission Regular Meeting
January 23, 2024 - 6:00 P.M. – In Person
Park Place Event Center – 310 N. Rush Street, Pentwater, MI**

Agenda

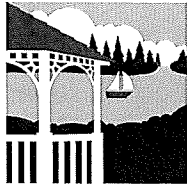
1. **Opening** – Welcome, Call to Order, and Pledge of Allegiance
2. **Roll Call**
3. **Approval of Agenda and Minutes.**
 - A. Approval of Agenda.
 - B. Approval of Minutes of November 26, 2023.

4. **Public Comments:** For items on the agenda.
5. **Public Hearing:**

The public hearing is for the purpose of considering comments regarding proposed amendments to the Village of Pentwater Zoning Ordinance, in accordance with the Michigan Zoning Enabling Act (Public Act 12 of 2008), as amended. The amendments to the Zoning Ordinance would amend Sections 3.05.D and 6.04, which concerns setback requirements in the R-2 Single Family Residential District.

6. **Old Business:** None
7. **New Business:**
 - A. Text Amendment Change Request
 - B. March's Meeting – Date Reschedule
 - C. Set Public Hearing for Text Amendment Change
8. **Department/Committee Reports**
 - A. Zoning Administrator – See Attached Report.
 - B. Zoning Board of Appeals – No Meeting, No Report.
9. **Public Comments**
10. **Communications from Planning Commission Members**
11. **Adjournment**

Next Scheduled Planning Commission Meeting – February 27, 2024 at Park Place.



VILLAGE OF PENTWATER

Planning Commission

ON PENTWATER LAKE AND LAKE MICHIGAN
65 N Hancock Street, P.O. Box 622, Pentwater, Michigan 49449
(231) 869-8301 – FAX (231) 869-5120

Regular Meeting Minutes – November 28, 2023

Chairperson Conroy called the regular meeting of the Pentwater Village Planning Commission Meeting to order at 6:00 pm, in-person at Park Place, 310 N. Rush Street, Pentwater, with the Pledge of Allegiance.

ROLL CALL

Present: Bruce Koorndyk, Mary Marshall, Kyle Jansen, Ron Stoneman, Amy Roberson, and Chris Conroy.

Absent: Dan Nugent.

Staff Present: Katie Anderson, Zoning Administrator.

APPROVAL OF AGENDA

Motion by Mary Marshall, second by Amy Roberson to approve the agenda presented.
Voice Vote: Ayes: 6 Nays: 0 Absent: 1 Motion passed.

APPROVAL OF REGULAR MEETING MINUTES

Motion by Amy Roberson, second by Mary Marshall to approve the October 24th regular meeting minutes as presented.
Voice Vote: Ayes: 6 Nays: 0 Absent: 1 Motion passed.

PUBLIC COMMENTS FOR ITEMS ON THE AGENDA

None

PUBLIC HEARING

None

OLD BUSINESS

A. Master Plan

Motion by Bruce Koorndyk, second by Mary Marshall to approve the Joint Master Plan and recommend the Village Council approved the Joint Master Plan at their December Council Meeting.

Roll Call Vote: Ayes: Koorndyk, Marshall, Jansen, Stoneman, Roberson, and Conroy.
Nays: 0 Absent: 1 Motion passed.

B. Consideration for Proposed Text Amendment to the Zoning Ordinance to amend Section 12.04.D to change the maximum building height in the C-3 District from 35 feet to 47 feet and clarify the existing side and rear yard setback requirements.

Motion by Jansen to change the maximum building height in the C-3 District to match the Master Plan of 42 feet on the west side of Hancock St. and 47 feet on the east side of Hancock St. No second, motion dies.

Motion by Mary Marshall, second by Ron Stoneman to keep the building height at 35 feet in the C-3 District and not increase the height from 35 feet to 47 feet.

Roll Call Vote: Ayes: Marshall, Stoneman, Roberson, and Conroy.

Nays: Jansen and Koorndyk. Absent: 1 Motion passed.

NEW BUSINESS

A. Election of Officers

Motion by Bruce Koorndyk, second by Chris Conroy to elect Amy Roberson as the Secretary for the Planning Commission.

Roll Call Vote: Ayes: Koorndyk, Conroy, Jansen, Marshall, Stoneman, and Roberson.

Nays: 0 Absent: 1 Motion passed.

B. December Meeting

Motion by Bruce Koorndyk, second by Mary Marshall to cancel the December meeting because of the holiday and move business to the January 2024 Meeting.

Roll Call Vote: Ayes: Koorndyk, Conroy, Jansen, Marshall, Stoneman, and Roberson.

Nays: 0 Absent: 1 Motion passed.

C. 2024 Meeting Schedule

Motion by Ron Stoneman, second by Bruce Koorndyk to approve the 2024 Planning Commission Meeting Schedule as presented with Staff looking for alternative March dates because of Spring Break.

Roll Call Vote: Ayes: Stoneman, Koorndyk, Jansen, Marshall, Roberson, and Conroy.

Nays: 0 Absent: 1 Motion passed.

D. Text Amendment Change Request – Set Public Hearing

Motion by Chris Conroy, second by Amy Roberson to set the Public Hearing for the Text Amendment Change Request for January 23, 2024.

Roll Call Vote: Ayes: Roberson, Jansen, Marshall, Stoneman, and Conroy.

Nays: Koorndyk Absent: 1 Motion passed.

E. 40 S. Montgomery St. – Nonconforming Building Review

Motion by Ron Stoneman, second by Mary Marshall to approve the work on the nonconforming building of 40 S. Montgomery St.

Roll Call Vote: Ayes: Stoneman, Marshall, Jansen, Koorndyk, Roberson, and Conroy.
Nays: 0 Absent: 1 Motion passed.

COMMITTEE/DEPARTMENT REPORTS

- A. **Zoning Administrator** - Ms. K. 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

Bruce Koorndyk – I have been on this Commission long enough and I am worn out but I do not think that it is wise to have someone making an application on 11/28/23 and we put it on our agenda. I am not going to talk against it, I am just saying in the past we always allowed at least two days. If there was something that I wanted to go out and look at, I was not given that opportunity here. Now, it is all up to you and I guess if this is the way its going to be then that is the way its going to be. I think that you all should think about considering having at least a two-day, which we had for years, a two-day requirement that everything is presented to Katie prior. Actually, at one time it was two days prior to the packet going out.

Mary Marshall – I hope that at our January meeting we could have a Zoom opportunity for any residents who are not in town and would like to listen to the public hearing.

ADJOURNMENT

Motion by Bruce Koorndyk, second by Amy Roberson to adjourn the meeting at 7:04pm.
Voice Vote: Aye: 6 Nay: 0 Absent: 1 Motion passed.

Respectfully Submitted,

Katie Anderson

Katie Anderson, Zoning Administrator

November 29, 2023

Approved by the Village of Pentwater Planning Commission on _____.

MEMORANDUM

To: Village of Pentwater Planning Commission

From: Katie Anderson, Zoning Administrator

Date: December 1, 2023

**Subject: Public Hearing - Proposed Zoning Amendment Change Request
Section 3.05.D and Section 6.04**

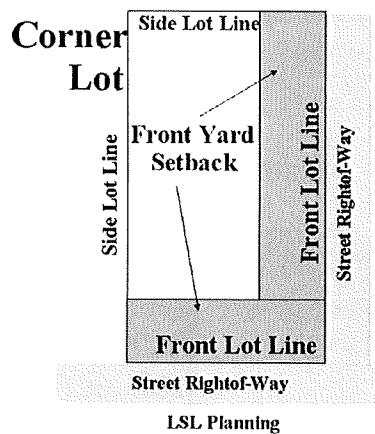
Introduction

On November 16, 2023, Village Zoning Staff received an application for a Text Amendment Change to the Village Zoning Ordinance. The amendment request is for Sections 3.05.D and 6.04, which concerns setback requirements in the R-2 Single Family Residential District, specifically to corner lots (See Attached).

Background

Currently, Section 3.05.D states:

- D. On corner and through lots, the front yard requirements shall apply on both streets, except that a waterfront lot shall not be considered as a through lot. Corner lots shall have two (2) front lot lines and two (2) side lot lines and no rear lot line.



Current Section 6.04 District Regulations:

R-2 District Regulations	Residential Buildings		Non-Residential Buildings
	Single	Two Family	
Minimum lot area	8,000 square feet	15,000 square feet	15,000 square feet
Minimum lot width	66 feet	120 feet	120 feet
Maximum height	35 feet (See Section 2.03, Building Height)		
Front yard setback	17 feet		
Side yard setback	6 feet		15 feet
Rear yard setback	30 feet		
Minimum floor area	750 square feet on the first floor		N/A
Maximum lot coverage	50%		

The applicant is requesting Section 3.05.D read as follows (See attached for drawing):

D. Corner Lots. The setback along the primary street shall be a minimum of 17 feet from the Right-of-Way. The setback along the secondary street shall be at least 6 feet from the Right-of-Way, and at least 30 feet from the edge of the street. The Zoning Administrator shall determine which is the principal and which is the secondary street. Generally, the principal street will have the greater volume of traffic than the secondary street. Corner lots shall have two front lot lines and two side lot lines and no rear lot lines.

The applicant is requesting Section 6.04 District Regulations to be:

R-2 District Regulations	Residential Buildings		Non-Residential Buildings
	Single	Two Family	
Minimum lot area	8,000 square feet	15,000 square feet	15,000 square feet
Minimum lot width	66 feet	120 feet	120 feet
Maximum height	35 feet (See Section 2.03, Building Height)		
Front yard setback	17 feet		
Corner (secondary street) yard setback	6 feet (minimum of 30 feet from pavement)		15 feet
Side yard setback	6 feet		
Rear yard setback	30 feet		N/A
Minimum floor area	750 square feet on the first floor		
Maximum lot coverage	50%		

Public Hearing

Public notice is hereby given that the Planning Commission of the Village of Pentwater will hold a public hearing at the Park Place, 310 North Rush Street, Pentwater, Michigan, on Tuesday, January 23, 2024, at 6:10 p.m.

The public hearing is for the purpose of considering comments regarding proposed amendments to the Village of Pentwater Zoning Ordinance, in accordance with the Michigan Zoning Enabling Act (Public Act 12 of 2008), as amended. The amendments to the Zoning Ordinance would amend Sections 3.05(D) and 6.04, which concerns setback requirements in the R-2 Single Family Residential District.

The Text Amendment Change Request Application is available for public inspection at the Village Hall, 65 South Hancock Street, Pentwater, Michigan, during the Village's normal business hours of 9:00 a.m. to 4:00 p.m., Monday through Friday. Any resident or property owner may participate in the hearing or submit written comments regarding the proposed amendment to the Planning Commission prior to Tuesday, January 23, 2024.

Process

Following the Public Hearing, the Planning Commission shall identify and evaluate all factors relevant to the petition and shall report its findings and recommendation to the Village Council. In the case of a proposed amendment to the text of the Village Zoning Ordinance, the Planning Commission shall consider the criteria contained in Section 20.05 Criteria for Amendment of the Official Zoning Ordinance Text as follows:

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:

- E. Compatibility with the basic intent and purpose of the Ordinance;
- F. Consistency with the goals, objectives, and future land uses of the Village of Pentwater Master Plan, including a sub-area or corridor studies;
- G. The requested amendment will correct an error and/or clarify an ambiguity in the Ordinance;
- H. The requested amendment will resolve an inequitable situation created by the Ordinance and does not grant special privileges;
- I. The requested amendment will not result in unlawful exclusionary zoning;
- J. 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;
- K. The requested amendment will address changes in state or federal legislation or regulations or other Village ordinances; and

- L. 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.

Discussion

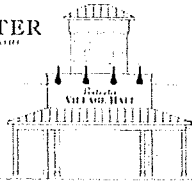
Following the Public Hearing, the Planning Commission should discuss each of the listed criteria to determine whether or not each of the criteria have been met, or specifically state why one or more have not been met.

The Planning Commission's discussion may take place anytime following the closure of the Public Hearing. Following completion of the Planning Commission's discussion of each amendment criteria, the Planning Commission should provide a recommendation on the request to the Village Council.

The Planning Commission should also take note of the highlighted section of the requested change.

D. Corner Lots. The setback along the primary street shall be a minimum of 17 feet from the Right-of-Way. The setback along the secondary street shall be at least 6 feet from the Right-of-Way, and at least 30 feet from the edge of the street. **The Zoning Administrator shall determine which is the principal and which is the secondary street. Generally, the principal street will have the greater volume of traffic than the secondary street.** Corner lots shall have two front lot lines and two side lot lines and no rear lot lines.

It leaves discretion to the Zoning Administrator to determine the principal and secondary streets, the Planning Commission should determine a clear definition of what the primary and secondary streets should be. Possibly having the primary street be designated as the street where the main entrance of the home is facing.



Text Amendment Change Request Application

John and Amy Perles	11/16/2023
Applicant	Date
224 Third Street PO Box 297	Pentwater MI 49449
Street Address	City State Zip
Jperles@sbcglobal.net	616.821-5164
Email Address	Phone

John and Amy Perles	212 West Lowell
Property Owner	Property Address
64-044-425-003-50	
Parcel Number	

Text amendment: Use another copy of this page for each different section being nominated for a text change.

This request is to change the text of section (§) **2 Sections: A) 3.05.D and B) 6.04. Table**
 The change is shown below, using underlining or bold face, like this, to show new text, and strike out, ~~like this~~, to show words to be deleted:

A) Strike the following following in 3.05 Item D

D. On corner and through lots, the front yard requirements shall apply on both streets, except that a waterfront lot shall not be considered as a through lot. Corner lots shall have two (2) front lot lines and two (2) side lot lines and no rear lot line.

* Replace with attached text & diagram:

B) Strike R-2 District 6.04 Table

* Replace with attached table:

attached, additional sheets if necessary.

Why, what is the purpose, of the proposed zoning text change? _____
This change updates zoning set backs on corner lots within the Village of Pentwater. Currently, most District R-2 corner structures, within Pentwater Village, are noncompliant due to the front yard setback, (17 foot) requirement on both the Primary and Secondary streets. This revision will require that the Primary street remains at 17 feet while the Secondary street will change to a minimum of 6 feet from the Right of Way and, as a second qualifier, require a distance of at least 30 feet from the paved road.

STATEMENT TO JUSTIFY THE PROPOSED AMENDMENT:

Will the zoning amendment conform with the Village of Pentwater Master Plan? Explain how: __

Yes. This change provides needed flexibility while maintaining control, which is consistent with the Masterplan future land use Vision and Goals of Medium Density Residential use.

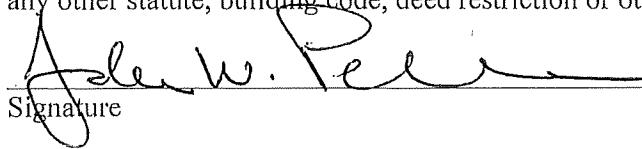
If the zoning amendment does not conform with the land use plan, why should the change be made, or why should the land use plan also be amended to accommodate this proposed zoning amendment. Be specific, brief, and document statements. Indicate if the existing zoning is in error, or if conditions have changed to warrant amending the zoning ordinance: _____

Attached, more data.

What will the impacts of the zoning amendment anticipated to be on all landowners in the zoning district affected by the amendment? _____

This change updates the Village zoning ordinance to reflect; A) current situation and B) addressing future needs.

Affidavit: I agree the statements made above are, to the best of my knowledge, true and accurate. Also, I understand any zoning action approved for this application conveys only land use rights and does not include any representation or conveyance of rights in any other statute, building code, deed restriction or other property rights.


Signature

11/16/2023
Date

When completed send to:
Village of Pentwater Zoning Administrator
65 S. Hancock Street – P.O Box 622, Pentwater,
Michigan 49449 Phone: (231) 869-8301
zoning@pentwatervillage.org

Hearing Date: _____

Date Submitted to Planning Commission: _____

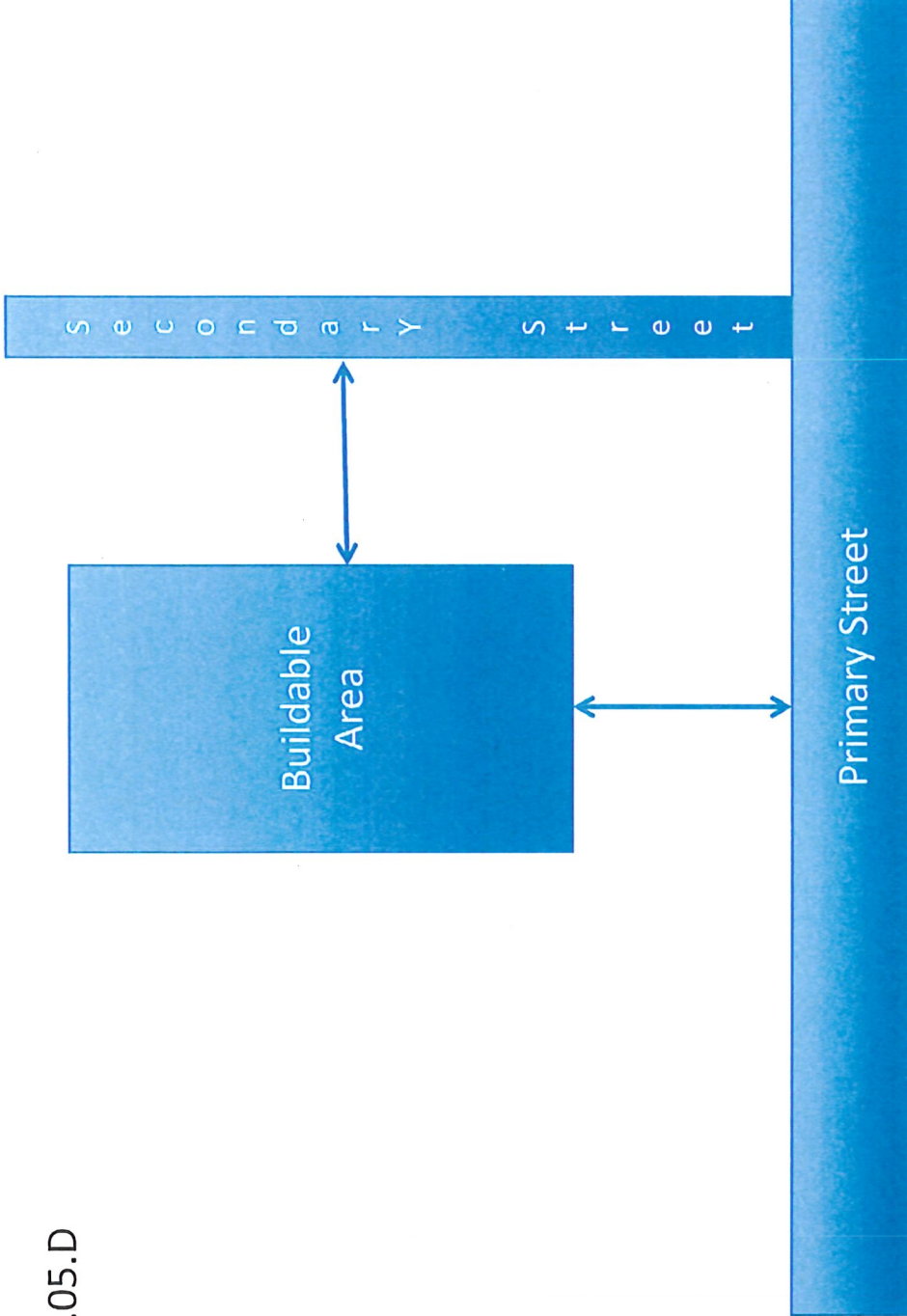
(This Form must be distributed to the Planning Commission within 30 days of Receipts)

Date Submitted to Village Council: _____

R-2 District: 6.04 Table

R-2 District Regulations	Residential Buildings		Non-Residential Buildings
	Single	Two Family	
Minimum lot area	8,000 square feet	15,000 square feet	15,000 square feet
Minimum lot width	66 feet	120 feet	120 feet
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Side yard setback	6 feet		
Rear yard setback	30 feet		N/A
Minimum floor area	750 square feet on the first floor		
Maximum lot coverage	50%		

3.05.D



D. Corner lots. The setback along the primary street shall be a minimum of 17 feet from the Right of Way. The setback along the secondary street shall be at least 6 feet from the Right of Way, and at least 30 feet from the edge of the street. The Zoning Administrator shall determine which is the principal and which is the secondary street. Generally, the principal street will have a greater volume of traffic than the secondary street. Corner lots shall have two front lot lines and two side lot lines and no rear lot line.

MEMORANDUM

To: Village of Pentwater Planning Commission
From: Katie Anderson, Zoning Administrator
Date: December 1, 2023
Subject: Alternative March Meeting Dates

Introduction

At the November Planning Commission Meeting, Zoning Staff was directed to find alternate dates for the March 2024 meeting due to Spring Break conflicts.

Available Dates

March 21st
April 1st
April 2nd
April 4th

MEMORANDUM

To: Village of Pentwater Planning Commission

From: Katie Anderson, Zoning Administrator

Date: January 8, 2024

Subject: Setting a Public Hearing for a Text Amendment Change

Introduction

With the completion of the Master Plan, the Planning Commission's next project will be updating and amending the Village Zoning Ordinance.

One of the first items to be addressed is Section 21.09 Signs in Residential Districts and the minimum footage needed away from the lot line, there is conflicting footages within our Ordinance. This item has been a discussion point previously when Bruce Koorndyk was the Chairperson of the Planning Commission. During this time, although important to address and fix, we felt it was best to tackle the issue after the Master Plan had been approved.

Discussion

The Planning Commission needs to set a date for the public hearing. Zoning Staff recommends the date of February 27th (our next regularly scheduled meeting) at 6:10pm. Zoning Staff will prepare documentation for the packet.

VILLAGE OF PENTWATER

ON PENTWATER LAKE AND LAKE MICHIGAN
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ZONING ADMINISTRATOR'S REPORT

January 3, 2024

The following is a summary of activity conducted by the Zoning Administrator in December 2023:

Code Enforcement – None.

Planning Commission - The Planning Commission did not meet in December.

Zoning Board of Appeals – The Zoning Board of Appeals did not meet.

Zoning Permits – The following Zoning Permits were issued in December of 2023:

1. ZP 23-38 was issued to Insignia Homes: 40 S. Montgomery St., renovation of existing structure (interior and exterior) and replace the deck.

2023 Year End Annual Report (Percentage Breakdown)

Accessory Buildings – 10%
Decks – 15%
New Residences – 18%
Residential Additions – 15%
Fences – 15%
Signs – 8%
Demolitions – 8%
Other – 10% (exterior renovations, replacements, stairs addition, etc.)

Other – With the completion of the Master Plan, the Planning Commission's next undertaking will be updating the Village Zoning Ordinance. We have areas that are unclear and contradictory in nature.

Sincerely,

Katie Anderson

Katie Anderson
Zoning Administrator