

# 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 24, 2023 - 6:00 P.M. – In Person & Zoom**  
**Park Place Event Center – 310 N. Rush Street, Pentwater, MI**

**Join Zoom Meeting**

<https://us02web.zoom.us/j/89526481592?pwd=azRqMDIPTC83eVIycHgvbVh4SFBFZz09>

**Meeting ID:** 895 2648 1592

**Passcode:** 433300

**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 December 19, 2022.
4. **Public Comments - For items on the agenda.**
5. **Public Hearing: Holding a Public Hearing to take public comments on the text amendment request to amend Section 14.06.B.1 of the Village Zoning Ordinance regarding residential cluster development regulations in a Planned Unit Development (PUD) to provide that “the minimum development size shall be ten (10) acres AND a request for a map amendment to the Village Zoning Ordinance to rezone a portion of the Lites Woods PUD property, Parcel ID Numbers: 64-044-620-126-20 and 64-044-620-125-00 from PUD to R-2 Single Family Residential.**
6. **Old Business: None**
7. **New Business:**
  - A. Consideration for Zoning Ordinance Text Amendment to Section 14.06.B.1 of the Village Zoning Ordinance – PUD – the minimum development size shall be ten (10) acres.
  - B. Consideration for Map Amendment to the Zoning Ordinance to rezone a portion of Lites Woods PUD property, Parcel ID Numbers, 64-044-620-126-20 and 64-044-620-125-00, from PUD to R-2.

**Next Scheduled Planning Commission Meeting – February 28, 2023 at Park Place.**

- C. Recommendation from the Village Council to Consider a Zoning Change from C-3 to C-4 on Hancock Street between Third and Fourth Street.  
Parcel ID Numbers: 64-044-676-001-00, 64-044-676-001-50, 64-044-681-001-30, 64-044-681-001-60, 64-044-681-002-00, and 64-044-681-044-00.

**8. Department/Committee Reports**

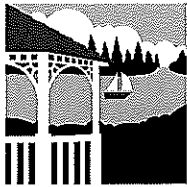
- A. Zoning Administrator – See Attached Report.
- B. Zoning Board of Appeals – See Attached Report.
- C. Master Plan Update –

**9. Public Comments**

**10. Communications from Planning Commission Members**

**11. Adjournment**

**Next Scheduled Planning Commission Meeting – February 28, 2023 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 – December 19, 2022

Chairperson Bruce Koorndyk 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, Chris Conroy, Mary Temple, Amy Roberson, Ron Stoneman and Paul Anderson (6:05).

**Absent:** Michelle Angell-Powell

**Staff Present:** Katie Anderson, Zoning Administrator and Brian Monton, Village Attorney.

#### APPROVAL OF AGENDA

**Motion** by Chris Conroy, second by Ron Stoneman to approve the agenda presented.

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

#### APPROVAL OF REGULAR MEETING MINUTES

**Motion** by Chris Conroy, second by Amy Roberson to approve the November 29, 2022, regular meeting minutes as presented.

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

#### PUBLIC COMMENTS FOR ITEMS ON THE AGENDA – None

#### PUBLIC HEARING - None

#### OLD BUSINESS - None

#### NEW BUSINESS

A. Consideration for Expansion on Nonconforming House – 222 S. Chester Street

**Motion** by Mary Temple, second by Amy Roberson to approve the porch and home addition on the nonconforming house of 222 S. Chester Street.

Roll Call Vote: Yes: Koorndyk, P. Anderson, Conroy, Roberson, Stoneman, and Temple  
No: 0    Absent: Angell-Powell    Motion passed.

B. Consideration for Expansion on Nonconforming House – 62 N. Hancock St.

**Motion** by Chris Conroy, second by Paul Anderson to approve the home addition to the nonconforming house of 62 N. Hancock St.

Roll Call Vote: Yes: Koorndyk, P. Anderson, Conroy, Roberson, Stoneman, and Temple  
No: 0                      Absent: Angell-Powell                      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.
- C. **Master Plan Update** – Mary shared that Version 7 of the Master Plan has been reviewed.

**PUBLIC COMMENTS** – None

**COMMUNICATIONS FROM PLANNING COMMISSION MEMBERS** – Amy Roberson informed the members that she has been selected to the Short-Term Rental Ad-Hoc Committee and looked forward to working with the group.

**ADJOURNMENT**

**Motion** by Chris Conroy, second by Ron Stoneman to adjourn the meeting at 6:56pm.  
Voice Vote: Aye: 6                      Nay: 0                      Absent: 1                      Motion passed.

Respectfully Submitted,

***Katie Anderson***

Katie Anderson, Zoning Administrator

December 21, 2022

Approved by the Village of Pentwater Planning Commission on \_\_\_\_\_.

## MEMORANDUM

To: Village of Pentwater Planning Commission

From: Katie Anderson, Zoning Administrator

Date: January 10, 2023

Subject: **Public Hearing – Lites Woods – Request for Zoning Ordinance Text Amendment Change and Map Amendment Rezoning.  
Parcel ID Numbers: 64-044-620-126-20 and 64-044-620-125-00**

---

### **Introduction**

At the December Planning Commission Meeting, Mr. Amon, Attorney for the Richard A. Whitcomb Revocable Trust, made a request for a Public Hearing on behalf of his client.

There are two requests being made, a zoning ordinance text amendment change and a map amendment to the Village Zoning Ordinance for rezoning for Parcel ID Numbers 64-044-620-126-20 and 64-044-620-125-00.

### **Background**

The Richard A. Whitcomb Revocable Trust has petitioned to amend section 14.06.B.1 of the Village Zoning Ordinance regarding Residential Cluster Development Regulations in a Planned Unit Development (PUD) to provide that “the minimum development size shall be ten (10) acres. The current qualifying conditions under Section 14.06.B.1 state “the minimum development size shall be twenty (20) acres.

The second request from the Richard A. Whitcomb Revocable Trust is for a map amendment to the Village Zoning Ordinance to rezone the petitioner’s property situated along Victoria Avenue, Parcel ID Numbers, 64-044-620-120-20 and 64-044-620-125-00 from Planned Unit Development (PUD) to R-2 Single Family Residential.

### **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**

- A. Compatibility with the basic intent and purpose 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;
- C. The requested amendment will correct an error and/or clarify an ambiguity in the Ordinance;
- D. The requested amendment will resolve an inequitable situation created by the Ordinance and does not grant special privileges;
- E. The requested amendment will 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;
- G. The requested amendment will address changes in state or federal legislation or regulations or other Village ordinances; and
- 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.

In the case of a proposed amendment to the official Zoning Map (rezoning), the Planning Commission shall consider the criteria contained in Section 20.04 Criteria for Amendment of the Official Zoning Map (Rezoning) as follows:

**Section 20.04 Criteria for Amendment of the Zoning Map (Rezoning)**

- A. Consistency with the goals, policies, and future land use guidelines of the Village of Pentwater Master Plan, including all applicable subarea and corridor studies. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area;
- B. Compatibility of the site’s physical, geological, hydrological, and other environmental features with the potential uses allowed in the proposed zoning district;
- C. Evidence the applicant cannot receive a reasonable return on investment through developing the property with one (1) or more of the uses permitted under the current zoning;
- D. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence on property values;
- E. The capacity of Village infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the “health, safety, and welfare” of the Village residents;

- F. The apparent demand for the types of uses permitted in the requested zoning district in the Village in relation to the amount of land in the Village currently zoned to accommodate the demand; and
- G. Where a rezoning is reasonable given the above criteria, a determination shall be made that the requested zoning district is more appropriate than another district or amending the list of permitted or special land uses within a district.

**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.

If the Planning Commission desires, following the Public Hearing, staff can provide the Planning Commission with an analysis of each of the above criteria for consideration during discussion and prior to making a recommendation to the Village Council.

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 each request to the Village Council.





## MEMORANDUM

To: Village of Pentwater Planning Commission

From: Katie Anderson, Zoning Administrator

Date: January 10, 2023

**Subject: Recommendation from Village Council to Rezone the Sections of Hancock Street between Third and Fourth Street from C-3 to C-4.  
Parcel ID Numbers: 64-044-676-001-00, 64-044-676-001-50,  
64-044-681-001-30, 64-044-681-001-60, 64-044-681-002-00, 64-044-681-004-00**

---

### Introduction

The Pentwater Village Council at their December 12, 2022 Meeting made a recommendation to the Planning Commission to consider rezoning the section of Hancock Street, between Third and Fourth Street, Parcel ID Numbers 64-044-676-001-00, 64-044-676-001-50, 64-044-681-001-30, 64-044-681-001-60, 64-044-681-002-00 and 64-044-681-004-00 from C-3 Central Business District to C-4 Hotel Resort District. Discussion was held amongst the Council, Council Minutes don't reflect any specific reasons, that the best option to move forward would be to rezone the section of Hancock Street, between Third and Fourth Street, from C-3 Central Business District to C-4 Hotel Resort District.

The section of Hancock Street, between Third and Fourth Street, being considered for rezoning consists of both private and public properties.

### **Public Properties**

044-676-001-00 – Former Pentwater Village and Township Hall

044-681-002-00 – Former Pentwater Police Station, Current Chamber of Commerce

### **Private Properties and Owners**

044-676-001-50 – The Village Center – Provisions, The Village Café and the Village Pub

044-681-001-30 – Five Waters Properties, LLC – Vacant Property

044-681-001-60 – Five Waters Properties, LLC – Painted Frog Studio

044-681-004-00 – Shelby State Bank

### Recommendation

At this time, Staff recommends to the Planning Commission the scheduling of a public hearing, followed by the notification of the hearing in accordance with the provisions of the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, MCL 125.3102 *et seq.* Once the Planning Commission has the opportunity to discuss the possible rezoning of Hancock Street

between Third and Fourth Street, it is at their discretion to make a recommendation to the Village Council of their findings.

# **VILLAGE OF PENTWATER**

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

## **ZONING ADMINISTRATOR'S REPORT**

**December 20, 2022**

The following is a summary of activity conducted by the Zoning Administrator in December 2022:

**Code Enforcement** – Fence installations without permits.

**Planning Commission** - The Planning Commission met on December 19th to:

1. Review Proposed Home Expansion for 222 S. Chester Street.
2. Review Proposed Home Addition for 62 N. Hancock Street.

**Zoning Board of Appeals** - The Zoning Board of Appeals met on December 20<sup>th</sup> to:

1. Conduct a Public Hearing for 294 E. Lake St.
2. Variance Request Discussion for 294 E. Lake St.

**Zoning Permits** – The following Zoning Permits were issued in December of 2022:

1. ZP 22-37 was issued to Dave Peterhans: 294 E. Lake St. for a porch addition and fence enclosure.
2. ZP 22-38 was issued to Insignia Homes: 222 S. Chester St. for a porch and home addition.
3. ZP 22-39 was issued to Insignia Homes: 62 N. Hancock St. for a home addition.
4. ZP 22-40 was issued to Dave Peterhans: 294 E. Lake St. for a shed.

### **Other**

None.

Sincerely,

***Katie Anderson***

Katie Anderson  
Zoning Administrator

