

VILLAGE OF PENTWATER

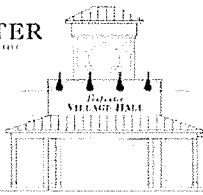
65 South Hancock Street, P.O. Box 622, Pentwater, Michigan 49449
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**Planning Commission Regular Meeting
May 28, 2024 - 6:00 P.M.
Park Place Event Center – 310 N. Rush Street**

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 April 2, 2024
4. **Public Comments:** For items on the agenda.
5. **Public Hearing:** Applicant withdrew Request
6. **Old Business:** None
7. **New Business:**
 - A. ZBA Ex Officio
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 – June 25, 2024 at Park Place



Regular Meeting Minutes – April 2, 2024

Chairperson Chris 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: Kyle Jansen, Phil Frame, Ron Stoneman, Chris Conroy, Mary Marshall, and Amy Roberson.

Absent: None.

Staff Present: Katie Anderson, Zoning Administrator and Jeff Hodges, Village President.

APPROVAL OF AGENDA

Motion by Stoneman, second by Roberson to approve the agenda as presented.

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

APPROVAL OF REGULAR MEETING MINUTES

Motion by Roberson, second by Jansen to approve the January 23, 2024, regular meeting minutes as presented.

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

PUBLIC COMMENTS FOR ITEMS ON THE AGENDA

Chris Conroy – Bruce Koorndyk was appointed to the Planning Commission on September 8, 2014 and for the last nine years he has contributed his construction expertise and planning and zoning knowledge for the betterment of our community. His service has been appreciated. When I joined the Planning Commission in 2019, he offered his support to me as a newbie and when Ron Christians resigned his role as Chair, Bruce stepped up as the Chair. His support of the volunteer research and writers of the Pentwater Community Master Plan was especially appreciated during the trying times of 2020 and 2021. Bruce's resignation letter was delivered to our Village President and was accepted at the March 11th Village Council meeting. I would like to take this opportunity to say thank you for your service to the Planning Commission and that you have given it to our community.

PUBLIC HEARING

Motion by Stoneman, second by Jansen to put the Regular Meeting to rest at 6:15pm.

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

Motion by Stoneman, second by Roberson to open the Public Hearing at 6:15pm.

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

Jeff Hodges – 347 S. Hancock St. – The thought comes to mind that if you go to 10 feet, a lot of streets the sidewalk is going to be at 10 feet. Once you go from the setback and go from the road, 10 feet in a lot of places there will be a sidewalk. The signs would be in some places in the sidewalk, 15 feet would keep it further away so we would not have a sidewalk issue. That would be a concern or an unintended consequence, that you are going to put signs in the middle of sidewalks. Most of the time sidewalks are right behind zoning. Just a thought.

Bruce Koorndyk – 412 N. Hancock St. – It has to be from the property line, so a lot of cases there are not going to be too many that would be in the sidewalk, they would be on the other side of the sidewalk.

Jeff Hodges – If it is 15 feet, but not 10 feet. If you go to 10 feet it is in the sidewalk.

Bruce Koorndyk – If it is 15 feet, it would be in the front yard.

Paula Degregorio – 270 Sands St. – Can you clarify what kind of signs you are talking about?

Katie Anderson – Zoning Administrator – read the context of Chapter 21 Signs in correlation to Ms. Degregorio’s question.

Motion by Marshall, second by Roberson to close the Public Hearing at 6:21pm.

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

Motion by Marshall, second by Stoneman to resume the Regular Meeting at 6:21pm.

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

OLD BUSINESS

None.

NEW BUSINESS

A. Text Amendment Change

Motion by Marshall, second by Jansen to recommend to the Village Council to approve the Text Amendment Change in Chapter 21, Section 21.09 as presented.

Discussion was held amongst the Commissioners regarding Section 20.05; key discussion points are as follows:

Mary Marshall – Asked about how this text amendment came to light.

Katie Anderson, Zoning Administrator – Stated that this was an item that was brought up over the last year in research done on updating the Zoning Ordinance after the completion of the Master Plan.

Phil Frame – Clarifying points on the text change and its correlation with Section 3.14 of the Zoning Ordinance and the clear view area.

Jeff Hodges, Village President – As the Village Manager, the Village Executive I can talk at all meetings. I am allowed, I know I am. I know that is correct and I need to throw out a point. The setbacks, can we put signs in setbacks, legal setbacks, like in the 17 feet of a corner lot? Would this preclude so that you can put a sign in the setback or would you have to go outside of the setback?

Katie Anderson, Zoning Administrator – Sign setbacks and house setbacks are not the same thing. They have different standards and signs would be based on whatever the sign setback is.

Jeff Hodges, Village President – So it could go inside the home setback?

Katie Anderson, Zoning Administrator – Yes, because the setbacks are different.

Jeff Hodges, Village President – What about the road right-of-way? Are all these signs going to be in the Village right-of-way? We are not going to be putting signs 10 feet from the property line, that is a concern that we should be aware of.

Amy Roberson – Asked about where the clear view of 10 feet comes from and its purpose.

Mary Marshall – As we have gone through Section 20.05, if anyone sees any unintended consequences in suggesting this change. The Village Council makes the final decision and I want to make sure the Planning Commission is seeing everything before we make a recommendation.

Phil Frame – Snow plowing and leaf pickup would be the only thing I could think of. If the leaves are too close to any signs.

Katie Anderson, Zoning Administrator – Explained the leaf vacs capabilities, reach and the Village standards we have set for when leaves are put out.

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 Commission agrees that the proposed amendment is 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;
 - The Planning Commission agrees that the proposed amendment is consistent with the Pentwater Village Master Plan.
- C. The requested amendment will correct an error and/or clarify an ambiguity in the Ordinance;
 - The Planning Commission agrees that it will clarify a discrepancy in the Ordinance.
- D. The requested amendment will resolve an inequitable situation created by the Ordinance and does not grant special privileges;
 - The Planning Commission agrees that it will not grant special privileges and the amendment will bring consistency to the Ordinance.
- E. The requested amendment will not result in unlawful exclusionary zoning;
 - The Planning Commission agrees 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 documentation provided by Village Staff that there is a 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 this is not applicable and the change would provide consistency to the Ordinance.
- 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 Commission agrees that this is not applicable and the change would provide consistency to the Ordinance.

Roll Call Vote: Yes: Marshall, Stoneman, Jansen, Frame, Roberson, and Conroy.
No: 0 Absent: 0

B. Nonconforming Building Review – 540 N. Hancock St.

Motion by Stoneman, second by Roberson to approve the home addition of the nonconforming 540 N. Hancock St., Parcel ID 64-044-580-101-90 as presented.

Roll Call Vote: Yes: Stoneman, Roberson, Jansen, Frame, Marshall, and Conroy.
No: 0 Absent: 0

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

Mary Marshall – I wanted to give thanks for the Planning and Zoning Essentials training, it was great and appreciated.

ADJOURNMENT

Motion by Stoneman, second by Roberson to adjourn the meeting at 6:42pm.

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

Respectfully Submitted,

Katie Anderson, Zoning Administrator

Approved by the Village of Pentwater Planning Commission on _____

Village Of Pentwater

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ZONING ADMINISTRATOR'S REPORT May 1, 2024

The following is a summary of activity conducted by the Zoning Administrator in April 2024:

Code Enforcement – Critical Dunes Area monitoring, EGLE's investigation continues.

Planning Commission – The Planning Commission did not meet.

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

Zoning Permits – The following Zoning Permits were issued in April of 2024:

1. ZP 24-04 was issued to Dune Ridge Construction: 508 S. Hancock St. to construct a 9' x 15' roof over the east steps and a 6' x 9' roof over trash receptacle pad.
2. ZP 24-05 was issued to Vic Hansen: 391 E. Concord St. to construct a 12' x 20' gazebo, a 12' x 20' shed and install a 6' x 32' privacy fence.
3. ZP 24-06 was issued to Melissa & Ryan Williams: 540 N. Hancock St. to construct a 530 sq. ft. addition on the southeast section of the property and house. (PC Approved April 2, 2024)
4. ZP 24-07 was issued to John Wilson: 618 Fifth St. to construct a 16' x 20' home addition on the back side of existing home.
5. ZP 24-08 was issued to Thomas F. Construction: 20 Kenneth St. to construct a new 2,027 sq. ft. home with a 578 sq. ft. garage.
6. ZP 24-09 was issued to T&M Landscaping LLC: 494 E. Hanover St. to construct a new 27' x 60' home with a 12' x 14' screened porch, a 17.6' x 8' front porch and 24' x 25' attached garage.
7. ZP 24-10 was issued to Daren & Nicole Bebee: 630 12th St. to construct a new 2,645 sq. ft. home with a 660 sq. ft. covered porch and a 988 sq. ft. attached garage.
8. ZP 24-11 was issued to Jim Karner – Linda Watson: 40 W. Third St. to replace a 6' x 40' fence and add a 5' x 6' trash receptacle enclosure.
9. ZP 24-12 was issued to Great Lake Pet Fencing: 86 N. Rutledge St. to install a 6' x 91' white vinyl privacy fence and a 3' x 67' white vinyl picket fence with two single gates.

Sincerely,

Katie Anderson

Zoning Administrator