

VILLAGE OF PENTWATER

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

Planning Commission Meeting
May 25, 2021 - 6:00 P.M. – In Person
310 N. Rush Street – Park Place, Pentwater, MI 49449
Agenda

1. **Opening** – Welcome, Call to Order, Pledge of Allegiance, and Roll Call.
2. **Approval of Agenda and Minutes.**
 - A. Approval of Agenda.
 - B. Approval of Minutes of April 27, 2021.
3. **Public Comments.**
4. **Public Hearing:** None.
5. **Old Business:** None.
6. **New Business:**
 - A. Special Land Use Request for 205 S. Dover St. – Pentwater Yacht Club.
Set date for Public Hearing.
7. **Department/Committee Reports**
 - A. Zoning Administrator – See attached report.
 - B. Zoning Board of Appeals – The ZBA did not meet in April, 2021.
 - C. Master Plan Steering Committee – Chris Conroy.
8. **Communications from Planning Commission Members**
9. **Public Comments**
10. **Adjournment**

Next Scheduled Planning Commission Meeting – June 22, 2021 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 – April 22, 2021

Chairperson Bruce Koorndyk called the regular meeting of the Pentwater Village Planning Commission Meeting to order at 6:02 pm, in-person at Park Place, 310 N. Rush Street, Pentwater, with the Pledge of Allegiance.

ROLL CALL

Present: Bruce Koorndyk, Michelle Angell-Powell, Mary Temple, Chris Conroy, Amy Roberson, and Ron Stoneman (arrived at 6:07 pm).

Absent: Paul Anderson

Staff Present: Keith Edwards, Zoning Administrator.

APPROVAL OF AGENDA

Motion by Angell-Powell, second by Temple to approve the Agenda as presented.

Voice Vote: Aye: 5 Nay: 0 Absent: 2 Motion passed.

APPROVAL OF REGULAR MEETING MINUTES

Motion by Temple, second by Roberson to approve the March 23, 2021 regular meeting minutes.

Voice Vote: Aye: 5 Nay: 0 Absent: 2 Motion passed.

PUBLIC COMMENTS - None

PUBLIC HEARING - None

OLD BUSINESS – None

New Business:

A. Review of Proposed Nonconforming Building Improvement – 15 Channel Lane.

The new owners of 15 Channel Lane, Craig & Alexis Morley seek to extend the existing roof-top deck to the south building wall and add decorative brackets to the south and east exterior walls of the home. The existing home is nonconforming with respect to the front setback and west side setback. According to Zoning Administrator Keith Edwards, the proposed extension will not exacerbate the existing nonconforming situations and will not create any new nonconformities.

Motion by Angell-Powell, second by Roberson to approve the proposed improvements to the nonconforming home at 15 Channel Lane.

Voice Vote: Aye: 5 Nay: 0 Absent: 2 Motion passed.

B. Review of Proposed Nonconforming Building Improvement – 217 S. Wythe.

The of 217 S. Wythe seeks to add 2ft. 4 inches to the height of their existing (detached) accessory building (shed) which is nonconforming with respect to the setback from the house and south property line. The height of the shed will be no more than 13 feet when completed, even though 15 feet is allowed according to Zoning Administrator Keith Edwards.

Motion by Angell-Powell, second by Temple to approve the proposed improvement to the nonconforming detached accessory building at 217 S. Wythe St.

Voice Vote: Aye: 6 Nay: 0 Absent: 1 (Ron Stoneman arrived at 6:07 pm)
Motion passed.

COMMITTEE/DEPARTMENT REPORTS

- A. Zoning Administrator** – Mr. Edwards’ written report was accepted by the Planning Commission.
- B. Zoning Board of Appeals** – No ZBA meeting was held in February 2021.
- C. Master Plan Steering Committee** – Chris Conroy stated that progress was being made on the Master Plan document and some of the identified issues. The Committee is looking forward to discussing the maps, land use and placemaking opportunities.

COMMUNICATIONS FROM PLANNING COMMISSION MEMBERS – None.

PUBLIC COMMENTS - None.

ADJOURNMENT - The meeting was adjourned by Chairperson Bruce Koorndyk at 6:48 PM.

Respectfully Submitted,
Keith Edwards, Zoning Administrator

April 29, 2021

Approved by the Village of Pentwater Planning Commission on _____.

**Pentwater Yacht Club
205 S. Dover
Pentwater, Michigan 49449**

**Special Land Use Review
May 20, 2021**

**By
Keith Edwards, Zoning Administrator
Village of Pentwater,
Oceana County, Michigan**

Introduction

The existing Pentwater Yacht Club, located at 205 S. Dover Street, at the west end of Second Street is proposing to reconstruct their existing building. The existing building operates as a private club that includes a restaurant (without drive-through service) and a bar, including related office, storage and a flex space, and a marina. Staff does not interpret the proposed take-out window between the bar and exterior deck to represent “drive-through” service.

The applicant, Rockford Construction, on behalf of the Pentwater Yacht Club, proposes to demolish the existing building and construct a new building to include indoor and outdoor seating, on both the main floor and an upper deck, and a new dock for transient boaters along the western side of the building adjacent to Pentwater Lake.

Background

It appears likely that the existing building, was constructed prior to modern Zoning Regulations, as the former warehouse (according to local lore) was converted to the establishment of a private club. According to the Pentwater Township Property Record Card from the Assessor’s office, the current building includes a 4,358 sq. ft. clubhouse with kitchen, 320 sq. ft. game room for a total of 4,678 sq. ft. of indoor floor area and includes a 680 sq. ft. outdoor wood deck over concrete, as well as a 300 sq. ft. covered concrete front porch. The Assessor’s records do not provide any information regarding the removable docks used for the marina portion of the site’s use, nor the existing detached accessory building (shed) located at the northeast corner of the property adjacent to Second and Dover Streets. The proposed building is 5,235 sq. ft. in area, excluding outdoor seating areas, which is, approximately 557 sq. ft. larger than the existing.

The property is located within the C-3, Central Business Zoning District, whereby restaurants, excluding those with drive-through facilities, are a Permitted Use while lodges and private clubs; and marinas are listed as Special Land Uses. Accessory buildings (i.e., sheds) are permitted uses as regulated by Section 3.08 of the Zoning Ordinance.

Special Land Uses require a public hearing to be conducted by the Village Planning Commission prior to their establishment or site plan approval of significant improvements. The proposed improvements to the property as well as all Special Land Uses also require Site Plan Review by the Village Planning Commission. Village Council approval is not required for Special Land Uses nor Site Plan Review Approval.

Process

Since both Special Land Use approval and Site Plan Review Approval are required for this project, the Planning Commission must first set a date for a public hearing on the Special Land Uses prior to considering their approval and may conduct the Site Plan Review simultaneously or in succession.

Special Land Uses

In accordance with Section 12.03 of Chapter 12 of the Village Zoning Ordinance, both Lodges and Private Clubs and Marinas are listed as Special Land Uses in the C-3, Central Business District. Furthermore, Site Plan review is required in accordance with Section 12.04.A and the provisions of Chapter 16 – Site Plan Review. This section will focus on the Zoning Ordinance provisions pertaining to Chapter 15 – Special Land Uses.

Special Land Uses are subject to the general standards listed in Section 15.03 – General Standards, as well as the specific standards of each use proposed, if any, in Section 15.04 – Specific Standards.

Section 15.03 – General Standards

Paragraph B of Section 15.03 lists four general standards that all Special Land Uses must meet. I have provided those standards below and provided a staff response shown below the standard in italics. Each use of the site will:

1. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance, with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed;

The proposed reconstruction of the existing Pentwater Yacht Club building is harmonious and appropriate in appearance with the existing building and the adjacent residential uses to the north and south along the shore of Pentwater Lake.

2. Be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, (potable) water and sewage facilities;

The proposed use of the property as a private club (including the restaurant and bar) and marina is consistent with the current use of the property today. The subject site will continue to be served by the existing public roads of Dover and Second Street,

*and by public sanitary sewer and potable water. Solid waste and grease disposal is handled privately and not by public services. **A currently designed a fire suppression system is required for the proposed new building. The Engineer's initial review of the site plan is attached and requests some sanitary sewer information.***

3. Not create excessive additional requirements at public cost for public facilities and services; and,

Staff does not expect the reconstruction of the Pentwater Yacht Club building to create excessive additional requirements at public cost for public facilities and services. At this time, the Department of Public Works, Fire Department and Police Department are reviewing the plans submitted. Additionally, the requirement for a fire suppression system for the building may require additional water volume or pressure from the public water system. Staff has requested the water demand requirements of the fire suppression system from the architect.

4. Not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any persons or property in the vicinity, or the general welfare, by reason or excessive effects of traffic, noise, smoke, fumes, glare, or odors or other effects determined relevant by the Planning Commission.

While the proposed activities on the property or use of the property are the same restaurant, bar and marina uses on the property today, the Planning Commission may wish to discuss any existing conditions that may cause excessive noise, or traffic. Additionally, I will ask the Police Chief to review the lack of a fence or railing on the proposed deck between the bar and transient slips with the Liquor Control Commission to determine whether or not some form of a barrier is required at this location. Additional concerns may be raised by the public at the public hearing.

Paragraph C of Section 15.03 states that the Planning Commission may stipulate additional conditions or safe-guards necessary to accomplish the (above) purposes. For instance, the Planning Commission may consider:

- Adding a railing to the decking outside of bar area to prevent guests from accidentally taking a step off the dock and into Pentwater Lake;
- Relocation of the accessory building (shed), thus partially blocking the view of Pentwater Lake from the intersection of Second and Dover Streets (the existing industrial freezers are proposed to be removed);

- Relocation and screening from public view for the dumpster enclosure for the solid waste and grease dumpsters;
- Whether the parking area should be raised to an elevation above the floodplain elevation of 583 feet – raising the grade will likely impact private and Village owned property adjacent to the Pentwater Yacht Club property. (See Engineer’s Report).

Section 15.04 – Specific Standards

The only specific standards in Chapter 15 for the proposed use of the property are those contained within Paragraph “K” for Marinas. There are no Special Land Use Specific Standards for Private Clubs or Restaurants (without drive-through facilities) within the C-3 Zoning District.

Marinas are defined by Chapter 2 of the Zoning Ordinance, in Section 2.14 as:

A facility extending into or over a body of water which offers service to the public or members of the marina for docking, loading, servicing, or other activities related to recreational or commercial watercraft. A private dock in compliance with the requirements of Section 3.31 of this Ordinance shall not be considered a marina.

Paragraph K of Section 15.04 lists five specific standards that all Marinas requiring Special Land Use approval must meet. I have provided those standards below and provided a staff response shown below the standard in italics:

1. There shall be no above ground storage of gasoline, fuel oil, or other flammable liquids or gases.

*At this time, the applicant is not proposing any bulk storage of gasoline or fuel oil. Staff assumes that there may be some storage of gasoline for outdoor power equipment and use of some gases such as propane and those used for restaurant purposes. **The Planning Commission should review these items with the applicant.***

2. No building, structure, dock, or parking area which is part of (a) marina or boat launch area be located closer than five (5) feet to any lot line, except the setback shall be thirty-five (35) feet to any lot in the R-R and R-1 Districts.

There is an existing fence, wood deck and accessory building (shed) within 5 feet or less of the north property line, that are proposed to remain. There is also an

existing dumpster enclosure located within the right-of-way of the intersection of Dover and Second Street that is proposed to be replaced within the same location. Additionally, the existing wood deck at the south end of the property encroaches upon the Village Green property from 4.2 to 14.5 feet.

3. Parking facilities shall not be used for the overnight storage of boats, trailers, or other vehicles.

This standard should be made as a condition of Special Land Use approval. The Planning Commission should also consider the outdoor storage of kayaks & paddleboards, etc. at the south end of the property and whether this area should be screened from view.

4. There shall be no less than one (1) parking space provided for every boat slip.

The Zoning Ordinance requirements of Chapter 17 were changed to require one parking space for every 2 slips. Thus, Staff is interpreting the Zoning Ordinance to require one parking space for every 2 slips. This correction was inadvertently not made in Section 15.04.K.

*The applicant has stated that there will be 19 slips total, 15 will be dedicated to members and 4 along the Pentwater Lake frontage of the proposed building are assigned as transient slips. Staff interprets the Zoning Ordinance to require one (1) parking space for each of two (2) permanent, seasonal or member slips, not for transient slips where boaters arrive and leave by boat. Thus, a maximum of eight (8) parking spaces are required. The applicant's site plan shows a maximum of eleven (11) parking spaces, seven (7) of which are ninety (90) degree spaces with a twenty-four (24') foot wide maneuvering lane, two (2) of which are adequate parallel parking spaces next to the proposed building – both are designated as handicap spaces, and the northern space may qualify as a van accessible handicap space. The remaining two (2) parallel spaces are inadequate spaces on the southeast portion of the property. **These last two spaces are inadequate because they are parallel spaces on the left side of the maneuvering aisle. Additionally, this area should be used for the other parallel parkers to turn around to exit the site. The storage of kayaks, and other watercraft should not be located within the parking lot maneuvering area.***

5. Buildings shall be designed to minimally obstruct water views.

*The proposed building is nearly the same size and placed in nearly the same location as the existing building. The proposed building is approximately 27 feet tall. Staff could not determine from the plans submitted whether or not the proposed building is taller than the existing building. **Staff recommends relocating the existing accessory building (shed) and the dumpster enclosure for better viewing of the water.***

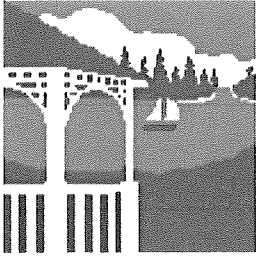
Recommendation

At this time, Staff recommends the Planning Commission set a date for a public hearing as required by the Zoning Ordinance and the Michigan Zoning Enabling Act in an effort to collect public comment on the proposed Special Land Use designation for the Subject Site.

Should the Planning Commission wish to hold the public hearing at their next regularly scheduled meeting of June 22, 2021, Staff must send the request for a public notice in the Oceana Herald Journal by Thursday, May 27, 2021.

The Planning Commission need not make a decision regarding the Special Land Use designation for the site until any public comment received has been discussed and Staff's review of the proposed Site Plan has also been considered.

Staff is currently reviewing the Site Plan submitted but has not yet finished the report.



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ZONING ADMINISTRATOR'S REPORT May 3, 2021

The following is a summary of activity conducted by the Zoning Administrator in April 2021.

Code Enforcement – Doing some spring cleaning of improperly stored boats, RVs, etc.

Planning Commission - The Planning Commission met in-person on April 27, 2021 to:

- Review and approve the proposed expansion of the existing roof-top deck on the nonconforming home at 15 Channel Lane.
- Review and approve the proposed expansion of a nonconforming shed at 217 S. Wythe.

Zoning Board of Appeals - The Zoning Board of Appeals did not meet in April 2021. The ZBA will hold its annual meeting on May 18, 2021.

Zoning Permits

The following Zoning Permits were issued in April, 2021:

1. ZP 21-12 was issued for a fence and shed at 863 E. Park St.
2. ZP 21-13 was issued for a new 10'x 14' shed at 1065 Second St.
3. ZP 21-14 was issued for a fence and brow over the garage door at 284 E. Lowell St.
4. ZP 21-15 was issued for a fence at 490 Sands St.
5. ZP 21-16 was issued for a new 1504 sq. ft. single-story home with attached garage at 311 E. Sands St.
6. ZP 21-17 was issued to install an 8' x 12' shed at 438 S. Rush Street.
7. ZP 21-18 was issued for fencing at 75 E. Lake Road.
8. ZP 21-19 was issued for a deck extension at 15 Channel Lane.

Other

None.

Sincerely,

Keith J. Edwards

Keith Edwards
Zoning Administrator