



VILLAGE OF SUTTONS BAY
Planning Commission
420 N. Front Street, Suttons Bay, MI 49682
October 9, 2024 at 5:00 pm
Regular Meeting Agenda

1. Call to order
2. Roll call and notation of quorum
3. Approval of Agenda
4. Member conflict of interest on any item on the agenda
5. Approval of minutes July 24, 2024 Special Meeting
6. Public comment/Written communications (Reserved time for items listed on the agenda). Please limit remarks to no more than three (3) minutes
7. Unfinished Business
8. New Business
 - a. Zoning Amendments-Introduction
 - Section 5-3 Bayview Stories
 - Section 9-13 Wireless Communication
9. Public comment
10. Reports
 - a. Zoning Administration Report
 - b. ZBA Report
 - c. Village Council Updates
11. Good of the order
12. Announcements: Next Regular Meeting November 13, 2024
13. Adjournment

If you are planning on attending this meeting and are disabled requiring any special assistance, please notify the Village Clerk by calling 231.271.3051 or by email at suttonsbay@suttonsbayvillage.org as soon as possible.



VILLAGE OF SUTTONS BAY
PLANNING COMMISSION
SPECIAL MEETING
Meeting Minutes of July 24, 2024
420 N. Front Street
Suttons Bay, MI 49682

The meeting was called to order at 5:00 p.m. by Chairperson Hetler.

Present: Feringa, Hetler, Hylwa, Pontius, D. Smith
Absent: F. Smith
Staff present: Petroskey, Patmore and Kopriva
Guests: Dusty Christensen, Land Use Consultant representing Bahle Enterprises, LLC,
Rich Bahle & Lois Bahle

Approval of Agenda

Hylwa moved, Smith seconded, CARRIED, to approve the agenda as presented.
Ayes: 5, No: 0.

Conflict of Interest: None

Approval of Minutes

Hylwa moved, Feringa seconded, CARRIED, to approve the Planning Commission meeting minutes of June 12, 2024 as presented. Ayes: 5, No: 0.

Public Comment/Written Communications

The Leelanau County Planning Commission report was provided to the planning commission members for their review.

Wetland Ordinance Language-Public Hearing

Kopriva referred to her report dated July 19, 2024, found in the packet regarding the amendment(s) to Article 2-6 (G) and the wetland definition in Article 20-1. Chair Hetler opened the public hearing at 5:05 pm and hearing no comments closed the public hearing at 5:06 p.m. The commission members having no further discussion reviewed the criteria of Article 18-3 to see if the amendment meets the criteria of a zoning amendment. The committee agreed upon the following:

- The proposed text amendment will clarify the intent of the ordinance and help with further enforcement of the Zoning Ordinance.
- The amendment will correct an oversight of the ordinance by further defining language to help with enforcement and implementation of the Zoning Ordinance.
- The proposed text amendment is not in response to any State legislation, recent case law or opinions from the Attorney General.
- The proposed amendment would not promote compliance with changes in other County, State or Federal regulations.
- The amendment does not add a use to a district.
- The amendment does not create incompatible land uses.
- There does not appear to be any conflict with any other reports, studies, or other documents.
- The amendment is only related to definitions and clarifications. There is no impact on public facilities.
- The proposed text amendments are consistent with the Village's desire to protect the public health, safety and welfare of the community.

Feringa moved, Hylwa seconded, CARRIED, to recommend that the Village Council approve amendments to Sec 2-6 of the Zoning Ordinance and the wetland definition in Article 20 as they meet the requirements of Section 18-3 of the zoning ordinance and it specifically clarifies language and is consistent with the intent and purpose of the master plan and zoning ordinance. Ayes: 5, No: 0.

Zoning Ordinance Amendment Request-Single Family Waterfront District Amendments- Public Hearing

An application of an amendment to the Single-Family Waterfront Residential (SFWR) zoning district was received from applicants Bahle Properties, LLC. The amendment proposes to change the intent section and reduce the spatial (setbacks and minimum lot) requirements in the SFWR district. Below are changes requested in brief:

1. Remove minimum lot depth
2. Reduce minimum width/frontage from 100 feet to 90 feet
3. Reduce street setback from 25 feet to 20 feet
4. Change intent from "larger lots at lowest density, close to half-acre minimum lot size to "on waterfront lots"

Chair Hetler opened the public hearing at 5:10 p.m.:

Dusty Christensen spoke on behalf of the applicants and stated that they would like to move forward with all four requests presented. Christensen added that two of the properties in question already has an extra sewer line that was placed a number of years ago.

Village of Suttons Bay – 420 N Front Street – P O Box 395 – Suttons Bay, MI 49682 – 231.271.3051
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Commissioner Smith asked why the applicant was asking for 90' width and not another number. The applicant stated that they felt it was a good middle ground number.

Zoning Administrator Patmore stated he was concerned about eliminating depth as it could create non-conforming parcels that would lead to putting pressure on the ZBA.

The Public hearing closed at 5:45p.m.

Kopriva referred to her report dated July 19, 2024, found in the packet regarding the amendment(s) to the single-family waterfront district. Commission members issued concerns regarding South Shore Road and reduces the front setback. Commission members noted that there is no sidewalk and a reduction in setbacks could infringe on the right of way. The commission members having no further discussion reviewed the criteria of Article 18-3 to see if the amendment meets the criteria of the requested zoning amendments. The committee agreed upon the following:

- The proposed text amendment would not clarify the intent of the ordinance as the criteria does not apply.
- The amendment would correct an oversight of the ordinance. The commission noted concerns that the proposed changes could increase requests to the ZBA by creating a lot that can't be built on as it will be a self-created situation and it should be viewed as such.
- The proposed text amendment is not in response to any State legislation, recent case law or opinions from the Attorney General and this statement does not apply.
- The proposed amendment would not promote compliance with changes in other County, State or Federal regulations as this statement does not apply.
- The amendment does not add a use to a district.
- The amendment does not create incompatible land uses.
- There does not appear to be any conflict with any other reports, studies, or other documents.
- The amendment is only related to definitions and clarifications. There is no impact on public facilities.
- The proposed text amendments are consistent with the Village's desire to protect the public health, safety and welfare of the community.

Feringa moved, D. Smith seconded, CARRIED, to recommend that the Village Council adopt the amendments to the Single-Family Waterfront District of the Zoning Ordinance as requested by the applicant as they meet the requirements of Section 18-3 of the zoning ordinance and specifically the amendment does not add a use, does not create incompatibilities, potentially will reduce non-conformities, and support the general public health, safety and welfare, as well as supported findings and reports included with application and packet. The intent is not to create opportunities for variance requests to allow for larger structures on lots that are self-

created when a building envelope exists for a dwelling that meets the minimum requirements of the ordinance. Ayes: 5, No: 0.

Pontius left the meeting at 6:30 p.m.

Reports

Zoning Administration Report

The Zoning Administration report was submitted and can be found in this packet.

Patmore stated that he has been very busy and has also issued some land use permits for Harbor Heights.

Village Council Report: D. Smith indicated that the Village Council accepted waterways grant for bathroom reconstruction, adopted the Leelanau County Hazard Mitigation Plan and appointed Petroskey as Clerk.

Good of the Order

Commissioner D. Smith would like height/stories in the Single-Family Waterfront District discussed at a future meeting.

Next Regular Meeting is August 14, 2024.

The meeting adjourned at 6:45 p.m.

Meeting minutes submitted by Dorothy Petroskey, Clerk.

Date: 10.04.2024
From: Sara Kopriva, AICP
To: Suttons Bay Planning Commission
Project: Zoning Ordinance Amendments

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I have begun the process of reviewing the zoning ordinance to determine where updates are needed for consistency and compliance with State Law. In the coming months, you will see these proposed changes to the ordinance. If you have any changes that you would like to discuss in more detail, please let me know.

Below are two changes to the zoning ordinance that were previously mentioned. The minimum maximum stories in the BV district and Wireless Communications. These amendments can be reviewed and held until a future time or can move forward on their own.

BV District

In the BV district, the minimum stories has not been consistently enforced at 1.5 story minimum which has allowed for a few 1 story dwellings to be constructed. It appears that this has not been detrimental to the district and it is suggested to update the language to change the minimum stories for the district to 1.

Section 5-3 Spatial Requirements

Table 5-3 Spatial Requirements- Mixed Use Districts				
Zoning District	CB	NG	SG	BV
Stories- Maximum (number)	1 min., 3 max.	1 ½ min., 2 max.	1 ½ min., 2 ½ max.	1 ½ min., 2 ½ max.

Wireless Communications

The wireless communications language in the current zoning ordinance is not consistent with State Law and needs to be updated. The law says that if a wireless provider is co-locating equipment on an existing tower, a special use permit is not required and can be approved administratively. The language below, updates the language to be consistent with State Law.

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535 West William
Suite 101
Ann Arbor, MI 48103

Petoskey Office
113 Howard Street
Petoskey, MI 49770

Traverse City Office
148 East Front Street
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Traverse City, MI 49684

Grand Rapids Office
5211 Cascade Road SE
Suite 300
Grand Rapids, MI 49546

734.663.2622 ph
734.663.6759 fx

231.347.2523 ph
231.347.2524 fx

231.933.8400 ph
231.944.1709 fx

616.585.1295 ph

- A. *Application.* The application for special use approval for a wireless telecommunications tower shall be submitted jointly by the owner/operator of the tower and the owner of the property on which the tower is to be located.
- B. *Applicability.* Pursuant to Section 3514 of P.A. 110 of 2006, as amended, wireless communications equipment is a permitted use of property with a zoning permit and is not subject to Special Land Use approval or any other approval if the following requirements are met:
1. The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
 2. The existing wireless communications support structure or existing equipment compound is in compliance with this ordinance or was officially approved by the Zoning Administrator or Planning Commission.
 3. The proposed collocation will not do any of the following:
 - i. Increase the overall height of the wireless communications support structure by more than 20 feet or 10% of its original height, whichever is greater. Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.
 - ii. Increase the area of the existing equipment compound to greater than 2,500 square feet.
 - iii. The proposed collocation complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the Zoning Administrator or Planning Commission.
- Wireless communications equipment that meets the requirements of subsection 1 (a) and (b) but does not meet the requirements of subsection 1(c) is a permitted use of property if it receives special land use approval.
- ~~A.~~
- ~~B-C.~~ *Use.* Wireless communication facilities may be considered as principal or accessory uses.
- ~~C-D.~~ *Co-Location.* A co-location study must be submitted and co-location space must be provided on the proposed tower.
- ~~G.~~ *E. Height.* A wireless communications tower shall be exempt from building height limitations; provided, however, that the tower height shall be no higher than the minimum height necessary to serve its intended function and in no case shall exceed 199 feet.
- ~~D.~~ *F. Setbacks.* The wireless communication tower shall be set back from all property lines a distance not less than the height of the tower, including antennae.

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E. G. Location. The applicant shall demonstrate that it is not feasible to provide equivalent service by locating the antenna on an existing tower or other existing structure in the Village.

F. H. Visual Impact.

1. A visual impact analysis shall be submitted which includes graphic depictions of the anticipated appearance of the tower from adjacent vantage points in the surrounding area.
2. Photo renderings of the proposed tower at the proposed location must be submitted as part of Site Plan review.
3. The tower shall not have an adverse impact on significant views from properties within one-quarter (1/4) mile of the tower site. For purposes of this section, a "significant view" is defined as a view from a residential property that has one or more of the following characteristics:
 - a. A view from a residence and its immediate perimeter that encompasses landscape features substantially free of manmade alteration, as a result of the unique topographic siting of the home.
 - b. A view which is a dominant feature of a residential building site and which contributes significantly to its value, as evidenced by the siting of a home on the property, the size, number, and orientation of windows on the home, and the location and orientation of improved outdoor spaces, such as patios and decks, on the home site.
 - c. The fact that the proposed tower may be visible from a residence shall not alone be considered an adverse impact on a significant view.

G. I. Architecture. The tower and any ancillary building housing equipment needed for operation of the tower shall be of a size, type, color, and exterior materials that are aesthetically and architecturally compatible with the surrounding area, and as unobtrusive as possible. Landscape screening and appropriate camouflaging may be required by the Planning Commission to accomplish screening of equipment buildings.

H. J. Lighting. The applicant shall provide documentation of any lighting to be installed on the tower. If tower lighting is required or proposed, the tower location may not be approved unless the Planning Commission determines that it will not have a significant adverse impact on properties and residents of the surrounding area.

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~~I.K.~~ *Design.* The tower shall be designed to accommodate, and the owner/operator of the tower shall agree to permit, use of the tower by other communications services providers, including local government agencies, on reasonable commercial terms, so long as such use does not conflict with the owner/operator use of the tower.

~~I.L.~~ *Abandonment.* If, for any reason, the tower ceases operation or is abandoned, the Village may order its removal from the site by the owner of the tower and/or the owner of the property on which the tower is located. The tower shall be removed within 90 days of the date of such notification. If the tower is not removed within 90 days of notification by the Village, the Village may arrange for the removal of the tower and shall bill the cost of removal, plus 10 percent of the cost, to the owner of the tower and the owner of the property on which the tower is located.

~~I.M.~~ _____ *Signage.* All signs shall comply with Article 12.

		VILLAGE OF SUTTONS BAY ZONING REPORT	
Prepared:	10/04/2024	Pages:	1 of 1
Meeting:	October PC & Council	Attachments:	0 <input type="checkbox"/>
Subject:	Zoning Report for September 2024		

LAND USE PERMITS ISSUED

DATE	TOTAL	NEW HOMES	ADU	ALTERATIONS ADDITIONS	ACCES. STRUCT.	FENCE	COMMERCIAL, SIGNS / OTHER
September 2024	0	0	0	0	0	0	0
Year To Date	25	9	1	4	4	2	5

STAFF REPORT

- Inquiries on Land Use Permits, platted lots, signs, fences, zoning.
- Site Plan Review – Change of Use – Motel in Central Business Area
- Outdoor lighting issue – South Business Area – lights disconnected

FUTURE ACTION REQUESTED:

Recommend that PC look into implementation of the Master Plan as time allows.