



VILLAGE OF SUTTONS BAY
Planning Commission
420 N. Front Street, Suttons Bay, MI 49682
April 12, 2023 at 5:00 pm
Regular Meeting Agenda

For the public wishing to view the meeting using remote attendance, there will also be a Zoom link (which can be found on our website at www.suttonsbayvillage.org). Public participation shall be limited to in-person or via written communication received prior to the meeting.

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 March 8, 2023
6. Public comment/Written communications (Reserved time for items listed on the agenda). Please limit remarks to no more than three (3) minutes
7. Old Business
 - a. Further review and clarification of Request from Peninsula Housing for Text Amendments to the following Sections in the Mixed- Use District
 - 1) Section 5-2 Table of Uses-to allow for Multi-Family Dwellings
 - 2) Section 5-3 Spatial Requirements- to allow for maximum of 3 stories
 - 3) Section 9-7 Multi-Family Development- to allow for up to 18 units per acre
 - b. ADU Definition
8. New Business
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 May 10, 2023
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
MEETING MINUTES OF MARCH 8, 2023

The meeting was called to order at 5:00 p.m., by Vice-Chair Pontius.

Present: Feringa, Ostrowski, Pontius, Smith and Suppes
Absent: Hetler and Hylwa
Staff present: Fay and Kopriva, Planner

Approval of Agenda

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

Approval of Minutes

Suppes moved, Pontius seconded, CARRIED to approve the Planning Commission meeting minutes of January 11, 2023 as presented. Ayes: 5, No: 0.

Smith moved, Suppes seconded, CARRIED, to approve the Planning Commission meeting minutes January 25, 2023 as presented. Ayes: 5, No: 0.

Public Comment/Written communications

Colleen Christensen thanked the board for sitting on the Planning Commission. She referred to her memo found in the packet and asked Commissioners to take another look at the text amendments sent to Council.

Larry Mawby, Peninsula Housing, applauds the Commissioners and encouraged them to think of other and all options.

Lois Bahle commented on the Bahle's waterfront property.

Old Business

- a. Further review and clarification of Request from Peninsula Housing for text amendments to the following Sections in the Mixed-Use District:
 - 1) Section 5-2 Table of Uses – to allow for Multi-Family Dwellings
 - 2) Section 5-3 Spatial Requirements – to allow for maximum of 3 stories
 - 3) Section 9-7 Multi-Family Development – to allow for up to 18 units per acre

Commissioners discussed the text amendments and had the following talking points:

- Concerns about the 3-story buildings in the south gateway (height and aesthetics)
- Wetlands
- Special Land Use versus Use by Right

- Sewer capacity – WWTP – requested data
- Build out plan based on the current ordinance - analysis
- South Business district is not zoned for residential
- Consider the current, and new Master Plan and Future Land Use map

Following discussions, Commissioners requested Kopriva to look at rezoning the properties west of Cedar, and rezoning the South Business to allow for multi-family residential. She will look at other districts and the compatibility of the future land use map, and existing structures as well. Commissioners recommend placing the Peninsula Housing Text Amendments back on the agenda for the next Planning Commission meeting.

b. ADU definition

Following discussions, Commissioners requested Kopriva provide language at the next Planning Commission meeting that clarifies only one accessory dwelling unit in addition to the dwelling, per property.

Public comment -

Larry Mawby voiced concerns the ADU discussion. He further encourages the Village to adopt a Landlord Ordinance

Lois Bahle commented on the sewer capacity. She further stated there is a need for studio and one-bedroom apartments.

Colleen Christensen thanked Planning Commissioners for considering different options.

Reports

ZBA Report – Smith stated the Zoning Board of Appeals denied the waterfront application.

ZA Report – The Zoning Administrators report was submitted by Patmore.

Village Council Updates – Suppes stated a Short-Term Rental Committee has been formed.

Good of the Order

Suppes stated he has been looking around at what other communities in other states are doing regarding housing, and further encouraged others to look around noting our housing situation is not unique.

Pontius stated that although a developer says he is building affordable housing, they can sell or rent the units at any time. He further stated that once the Master Plan has been completed, it may be beneficial for have someone go through the Zoning Ordinance due to all of the inconsistencies.

Ostrowski asked where the Bahles can go to get support and assistance for their waterfront property.

Announcements: Next regular meeting: April 12th, 2023, at 5:00 p.m.

The meeting adjourned at 6:28 p.m.

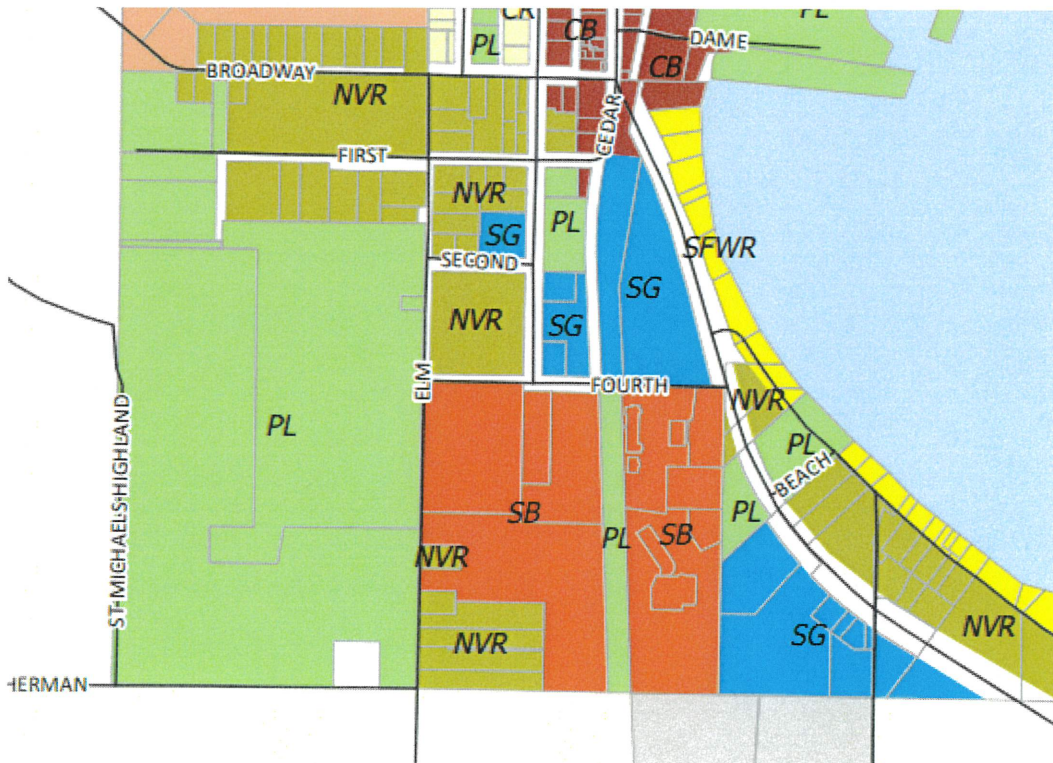
Meeting minutes submitted by Shar Fay, Clerk.

Date: 4.7.23
From: Sara Kopriva
To: Suttons Bay Planning Commission
Project: Peninsula Housing Text Amendments

i
initiative

At last month's Planning Commission meeting, the planning commission asked me to look at the zoning of the properties to the west of Cedar. This is a brief memo on the review. Keep in mind that the current applications before you are not for a rezoning request for these properties. The amendments are related to text change to add multiple family dwellings in the South Gateway District. If the applicant would like to pursue a rezoning request, a new application will need to be filed.

The properties that were briefly discussed are zoned South Gateway and there is interest in seeing if they can be zoned South Business. See Map below.



Beckett & Raeder, Inc.
535 West William
Suite 101
Ann Arbor, MI 48103

Petoskey Office
113 Howard Street
Petoskey, MI 49770

Traverse City Office
148 East Front Street
Suite 207
Traverse City, MI 49684

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

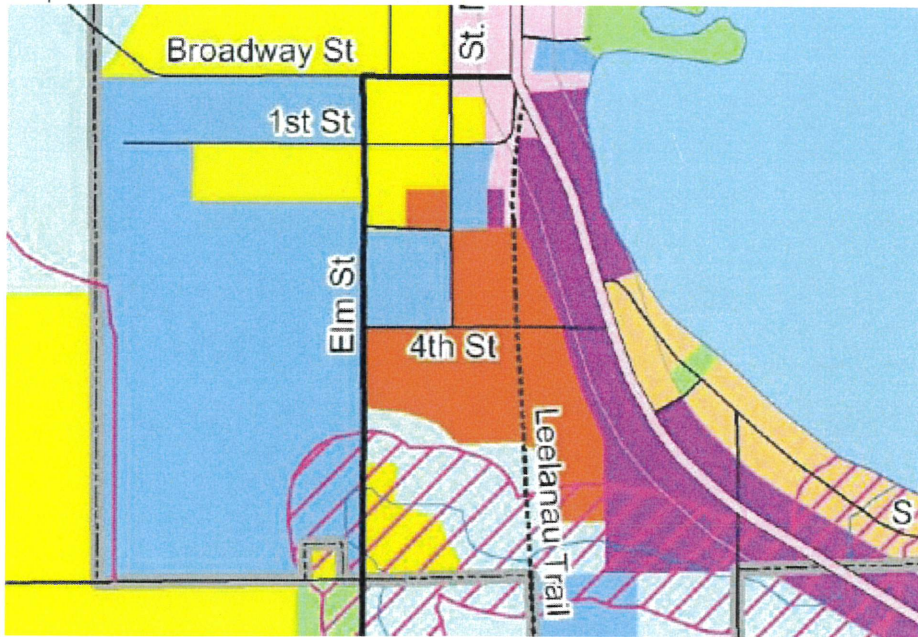
734.663.2622 ph
734.663.6759 fx

231.347.2523 ph
231.347.2524 fx

231.933.8400 ph
231.944.1709 fx

616.585.1295 ph

The current Future Land Use Map classifies these properties as General Commercial, along with other properties in the area that are currently zoned South Business. Future Land Use Map below.



i
initiative

Based on the wetland map in the current master plan, there may be some wetlands on some of the proposed commercial properties. The Planning Commission would need to consider this in any rezoning. Wetland map below.



In reviewing the uses allowed in the South Business district, I don't see how a rezoning request would get the applicant any closer to multiple family dwellings. Multiple family dwellings are not a use allowed in the South Business district so an amendment would still be needed to add this use into the district.

At this time, I would recommend that the Planning Commission move forward with a decision on the amendments as proposed. Below are the comments from the Village Council for why this amendment was denied and returned to the Planning Commission.

Council had a number of concerns related to the proposed amendment.

- Council asked where the property was located that Peninsula Housing planned to use
- Concerns about the South Gateway as the welcoming corridor to the Village with three story buildings.
- Permitted use versus special use. If Multi-Family housing was a special use it would allow for more oversight on the projects as to landscaping, parking, etc.
- Why is the focus on South Gateway? Very few properties over an acre.
- Definition of workforce housing. No short- term rentals allowed in ADUs.
- Wetlands throughout the South Gateway. Drainage issues already exist near the Hansen Plaza. How to address these environmental issues.
- Sewer Water capacity issues.
- Planning Commission needs to do additional work on this amendment.

Christensen moved, Suppes seconded, motion CARRIED, to send Amendment No. Z-2023-03 of (Amendment 8 of Ordinance 2 of 2018) to amend Section 5-2 Table of Uses to allow for multi-family housing in the South Gateway District as a permitted Use; Section 5-3 Spatial Requirement to allow for maximum of three stories in the South Gateway District and Section 9-7 Multi Family Development to allow for up to 18 units per acre be sent back to the planning commission with council member comments and have the planning commission address the same and consider ways to have more oversight over the projects by having this use as a special use. Ayes: 7, No 0.

At this time, the Village has not received any revised language from the applicant related to these amendments. The Planning Commission can move forward with the amendments as proposed and approve or deny or modify the language that is proposed.

Below is the criteria from Section 18-3 (C) for a text amendment from the Zoning Ordinance. Following the Planning Commission discussion, the Planning Commission will need to make findings for each criteria in making its decision. Based on Council comments in the minutes, they did not find that the amendments met criteria 5, 6, 8 and 9.

①
initiative

1. The proposed text amendment would clarify the intent of the ordinance.
2. The proposed text amendment would correct an error or oversight in the ordinance.
3. The proposed text amendment would address changes to the State legislation, recent case law or opinions from the Attorney General of the State of Michigan.
4. The proposed text amendment would promote compliance with changes in other County, State or Federal regulations.
5. In the event the amendment will add a use to a district, that use shall be fully consistent with the intent of the district and the character of the range of uses provided for within the district.
6. The amendment will not create incompatible land uses within a zoning district, or between adjacent districts.
7. The proposed text amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items.
8. As applicable, the proposed change shall be consistent with the Village's ability to provide adequate public facilities and services.
9. The proposed change shall be consistent with the Village's desire to protect the public health, safety, and welfare of the community.

Zoning Amendment (Same as Previously Reviewed)

The village has received multiple applications from Peninsula Housing for Zoning Ordinance text amendments to allow for multi-family workforce housing within the South Gateway (SG) zoning district.

OVERVIEW

Peninsula Housing seeks to build multi-family workforce housing on a property within the South Gateway (SG) zoning district.

To accommodate the proposed multi-family workforce housing project, the applicant requests the following Zoning Ordinance text amendments:

- Amend Table. 5-2, Schedule of Uses: Mixed Use Districts, to allow Multi-Family housing as a permitted (P) use within the South Gateway (SG) zoning district.
- Amend Table 5-3, Spatial Requirements – Mixed Use Districts, to allow for a minimum of one and one half (1 ½) stories and a maximum of three (3) stories.
- Amend Sec. 9-7 to strike the maximum allowable density of eight (8) units per structure, and maintain an 18 units per acre gross density per site.

Proposed Text Amendment Language

Below is the ordinance language for each of the proposed Zoning Ordinance text amendments. Proposed deletions are shown in ~~strikethrough~~ and proposed additions are shown in underline.

Table 5-2 Schedule of Uses: Mixed Use Districts

Use	CB	NB	SG	BV	Specific Conditions
RESIDENTIAL					
Dwellings, multi-family			<u>P</u>	<u>P</u>	Section 9-7

 initiative

Section 5-3

Table 5-3 Spatial Requirements- Mixed Use Districts

Zoning District		CB	NG	SG	BV
Minimum Depth (ft.)		120	100	120	
Width (ft.)		25 min.	60 min., 120., max.	60 min., 120., max.	
Minimum Frontage		25	Equal to width	Equal to width	
Front Setback	Front/ Primary Street (ft.)	0 max.1	15 min.	15 min.	15 min.
	Front/ Secondary Street (ft.)	0 min., 5 max.	10 min.	15 min.	15 min.
Side Setback	Adjacent Commercial (ft.)	0 min.	10 min.	10 min.	5 min.
	Adjacent Residential (ft.)	10 max.	10 min.	10 min.	5 min.
Rear Setback	Alley (ft.)	0 min.	10 min.	10 min.	10 min.
	Lot (ft.)	10 min.	10 min.	10 min.	20 min.
	Secondary Street (ft.)	0 min., 20 max.	15 min.	15 min.	15 min.
	Lake Michigan(ft.)	50 min.	50 min.	50 min.	50 min.
All buildings		15 min., 35 max.	35 max.	35 max.	35 max.

i
initiative

Height- (ft.) ²	Corner lot buildings	20 min.3	35 max.	35 max.	35 max.
Stories- Maximum (number)		1 min., 3 max.	1 ½ min., 2 max.	1 ½ min., 2 ½ max.	1 ½ min., 2 ½ max.
Building Coverage Maximum (%)		-	40	40	-
Impervious Surface Maximum (%)		-	50	50	-
Front Parking Setback (ft.)		25 min.	-	-	-
Building Frontage Minimum (%)	Primary Street	80	-	-	-
	Side Street	50	-	-	-
	Secondary Street	50	-	-	-

Section 9-7 Multi-Family Development

- A. *Maximum Units.* **Eight (8) units per structure** Maximum **and** 18 units per acre gross density.
- B. *Open Space.* Open spaces comprising at least 10 percent of the total gross area of the project shall be planned and built as a common area.



Office of Planning and Zoning
 420 N Front Street
 P O Box 395
 Suttons Bay, MI 49682
 231-271-3051 or 231-392-5828
zoning@suttonsbayvillage.org

APPLICATION FOR ZONING ORDINANCE TEXT AMENDMENT

This application must be typed or printed in ink and completed in full. An incomplete or improperly prepared application will not be accepted and will result in processing delays.

A. APPLICATION INFORMATION

Name of Applicant: Peninsula Housing

Address: PO Box 555, Suttons Bay, MI 49682

Phone: 231-866-0512 E-mail: home@peninsula-housing.org

Name of Agent: Larry Mawby

Address: PO Box 555, Suttons Bay, MI 49682

Phone: 231-866-0512 E-mail: home@peninsula-housing.org

Please specify to whom all communications should be sent: Applicant Agent

B. PURPOSE OF APPLICATION

Section(s) reference: Section 5-2 Schedule of Uses: Mixed Use Districts [page 5-3]


Please explain why the zoning text amendment is being requested (if additional space is required please attach a separate sheet).

Amendment requested to facilitate multi-family affordable workforce housing

Please provide in detail a draft of the proposed text amendment, including all necessary additions to or deletions from current zoning ordinance text (if additional space is required please attach a separate sheet).

Amend to add under Residential Dwellings: Multi-family in SG

C. SIGNATURE:


 Applicant Signature Date 9/9/2022


 Agent Signature Date 9/9/2022



Office of Planning and Zoning
420 N Front Street
P O Box 395
Suttons Bay, MI 49682
231-271-3051 or 231-392-5828
zoning@suttonsbayvillage.org

APPLICATION FOR ZONING ORDINANCE TEXT AMENDMENT

This application must be typed or printed in ink and completed in full. An incomplete or improperly prepared application will not be accepted and will result in processing delays.

A. APPLICATION INFORMATION

Name of Applicant: Peninsula Housing
Address: PO Box 555, Suttons Bay, MI 49682
Phone: 231-866-0512 E-mail: home@peninsula-housing.org
Name of Agent: Larry Mawby
Address: PO Box 555, Suttons Bay, MI 49682
Phone: 231-866-0512 E-mail: home@peninsula-housing.org
Please specify to whom all communications should be sent: Applicant [X] Agent []

B. PURPOSE OF APPLICATION

Section(s) reference: Section 5-3 Spatial Requirements: Mixed Use Districts [page 5-4]

Please explain why the zoning text amendment is being requested (if additional space is required please attach a separate sheet).

Amendment requested to facilitate multi-family affordable workforce housing

Please provide in detail a draft of the proposed text amendment, including all necessary additions to or deletions from current zoning ordinance text (if additional space is required please attach a separate sheet).

Amend Stories - Maximum (number) to 1 1/2 min 3 max. in SG

C. SIGNATURE:

[Signature] 9/9/2022
Applicant Signature Date

[Signature] 9/9/2022
Agent Signature Date



Office of Planning and Zoning
 420 N Front Street
 P O Box 395
 Suttons Bay, MI 49682
 231-271-3051 or 231-392-5828
zoning@suttonsbayvillage.org

APPLICATION FOR ZONING ORDINANCE TEXT AMENDMENT

This application must be typed or printed in ink and completed in full. An incomplete or improperly prepared application will not be accepted and will result in processing delays.

A. APPLICATION INFORMATION

Name of Applicant: Peninsula Housing

Address: PO Box 555, Suttons Bay, MI 49682

Phone: 231-866-0512 E-mail: home@peninsula-housing.org

Name of Agent: Larry Mawby

Address: PO Box 555, Suttons Bay, MI 49682

Phone: 231-866-0512 E-mail: home@peninsula-housing.org

Please specify to whom all communications should be sent: Applicant Agent

B. PURPOSE OF APPLICATION

Section(s) reference: Section 9-7 Multi-Family Development [page 9-5]


Please explain why the zoning text amendment is being requested (if additional space is required please attach a separate sheet).

Amendment requested to facilitate multi-family affordable workforce housing

Please provide in detail a draft of the proposed text amendment, including all necessary additions to or deletions from current zoning ordinance text (if additional space is required please attach a separate sheet).

Amend A, which currently reads: A. Maximum Units. Eight (8) units per structure maximum and 18 units per acre gross density.
striking Eight (8) units per structure maximum and
to read: Maximum Units. 18 units per acre gross density.

C. SIGNATURE:

 9/9/2022
 Applicant Signature Date

 9/9/2022
 Agent Signature Date

Date: 04.07.2023
From: Sara Kopriva, AICP
To: Suttons Bay Planning Commission

Project: Accessory Dwelling Unit Amendment

i
initiative

As discussed at the last meeting, the Village Council denied the changes to the accessory dwelling unit (ADU) requirements that the Planning Commission proposed. Some of the discussion revolved around how many ADUs can be permitted on a parcel. A previous Zoning Administrator determined that based on the Ordinance, multiple ADUs could be allowed on one property. In order to correct this action, a simple change to the ordinance is needed to clarify.

Section 20-12 Definitions: U - V USE

A. ACCESSORY USE means a use naturally and normally incidental to, subordinate to, and devoted exclusively to the principal use of the land or buildings located on the same lot.

1. ACCESSORY DWELLING means an attached or detached dwelling subordinate to the principal single-family dwelling that contains an independent living area, including sleeping quarters, a bathroom, living area and kitchen facilities.

Section 9-2 Accessory Dwelling

A. Size. Accessory dwellings in the Central Residential District (CR), Newer Village Residential (NV), Single-Family Waterfront (SFWF), South Gateway (SG), North Gateway (NG), and Bay View (BV) Districts shall not exceed 600 square feet. Accessory dwellings in the Hillside Residential (HR) District shall not exceed 800 square feet.

B. Setbacks. Accessory dwellings are subject to the setback and height requirements for principal buildings within the applicable zoning district.

C. Owner-occupancy. The owner of the parcel where an accessory dwelling exists shall reside on the property.

D. Number. Only one (1) accessory dwelling unit shall be permitted per parcel.

Beckett & Raeder, Inc.
535 West William
Suite 101
Ann Arbor, MI 48103

Petoskey Office
113 Howard Street
Petoskey, MI 49770

Traverse City Office
148 East Front Street
Suite 207
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