

VILLAGE OF SUTTONS BAY
Planning Commission
420 N. Front Street, Suttons Bay, MI 49682
June 14, 2023 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 May 10, 2023 & May 22, 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) Joint Meeting Recap
 - b) Continuation discussion and possible decision: Section 5-2 Multi-Family in South Gateway as Special Use Amendment
 - c) Continuation discussion and possible decision: Section 6-2 Multi-Family in South Business as Special Use Amendment
 - d) Continued discussion and possible decision: Section 5-3 increase to 3 stories in South Gateway Amendment
 - e) Continued discussion and possible decision: Section 9-7 to remove 8 unit maximum per building Amendment
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 July 12, 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 MAY 10, 2023

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

Present: Feringa, Hetler, Hylwa, Ostrowski, Pontius, Smith and Suppes
 Staff present: Fay and Patmore

Approval of Agenda

Suppes moved, Ostrowski seconded, CARRIED, to approve the agenda as presented.
 Ayes: 7, No: 0.

Approval of minutes

Hylwa moved, Ostrowski seconded, CARRIED, to approve the April 12, 2023, Planning Commission meeting minutes as presented. Ayes: 7, No: 0.

Public comment

- Zach Hillyer, Housing North, supports the proposed amendments on the agenda.
- Lois Bahle asked about incorporation of the Master Plan.
- Colleen Christensen encouraged the Planning Commission to slow down on adopting the text amendments and table any action until after the joint meeting with Village Council, noting concerns about protecting environmentally sensitive areas, neighborhood design, and building sizes in the South Gateway. She looks forward to the joint meeting and hearing the Planning Commissions intent for these proposed amendments and to discuss options. She stated the changes will impact the Village for many years and decisions should not be rushed or based on a response to a specific project.
- Jim Beuerle supports the ADU amendment that changes the maximum square footage of an ADU to 800 square feet.
- Larry Mawby encouraged the Planning Commission to defer action on the proposed amendments until the joint meeting with Village Council takes place.

Public Hearing: Section 0-2 Maximum area and number of Accessory Dwellings Amendment
 The public hearing opened at 5:07 p.m.

- Larry Mawby voiced support for the proposed amendments.
- Jim Beuerle voiced support for the proposed amendments.

The public Hearing closed at 5:10 p.m.

Commissioners reviewed the Evaluation of the proposed Text Amendment.

Pontius moved, Hylwa seconded, CARRIED, to recommend approval of the Zoning Ordinance Amendment to Section 9-2 Accessory Dwelling, to Village Council, as it meets the criteria of Section 18-3 (c) of the Zoning Ordinance. Ayes: 7, No: 0.

Public Hearing: Section 5-2 Multi-Family in South Gateway as Special Use Amendment

The public hearing opened at 5:23 p.m.

- Colleen Christensen emphasized her previous comments encouraging Commissioners to table any action on the text amendments until after the joint meeting with Village Council.
- Larry Mawby supports the amendments but suggested Commissioners hold off on deliberations and decisions following the joint meeting with Village Council.

The public hearing closed 5:26 p.m.

Ostrowski moved, Pontius seconded, CARRIED, to table the discussions and decisions on the criteria until the joint meetings with Village Council have concluded.

Ayes: 7, No: 0.

Public Hearing: Section 6-2 Multi Family Housing in South Business as Special Use Amendment

The public hearing opened at 5:29 p.m.

- Larry Mawby reiterated his previous comments to table decisions.
- Colleen Christensen reiterated her previous comments to table decisions.

The Public hearing closed at 5:30 p.m.

Pontius moved, Ostrowski seconded, CARRIED, to table the amendments until the joint meeting takes place with Village Council. Ayes: 7, No: 0.

Section 5-3 Three (3) Story maximum in the South Gateway Amendment

Smith moved, Suppes seconded, CARRIED, to table discussions until Planning Commission and Village Council have held their joint meeting. Ayes: 6, No: 1.

Section 9-7 Remove Eight (8) units per Building Amendment

Smith moved, Ostrowski seconded, CARRIED, to table discussions until Planning Commission and Village Council have held their joint meeting. Ayes: 6, No: 1.

Public Comment

- Larry Mawby, Peninsula Housing, stated he is in the process of applying to the State of Michigan for a Rural Readiness Planning Grant, hoping to encompass both Village

- and Township. He will be asking for support on a formal application in June.
- Zach Hillyer, Housing North, stated the Rural Readiness Grant may provide funding.
 - Colleen Christensen thanked Commissioners for giving the time to look at these amendments closer and looks forward to the joint meeting.

Reports

- Zoning Administration Report – The Zoning Administrator report was submitted and can be found in this meeting packet. Patmore stated he is trying to get up to speed with the Village’s ordinance and thanked everyone for their patience. He stated Planning Commissioners need to define the Lake Michigan high water mark in the Zoning Ordinance; a proposed amendment forthcoming.
- ZBA Report – Patmore stated the ZBA held a meeting in April whereas the applicant appealed the Zoning Administrators determination. The ZBA upheld the determination. In addition, the ZBA will be holding a meeting on a variance filed by the Friendship Center.
- Village Council updates – Suppes stated a joint meeting with the Planning Commissioners and the Village Council will be held on May 22nd, at 8:30 a.m.

The next regular meeting is scheduled for June 14, 2023.

The meeting adjourned at 5:48 p.m.

Meeting minutes submitted by Shar Fay, Clerk.



VILLAGE OF SUTTONS BAY
SPECIAL VILLAGE COUNCIL
AND PLANNING COMMISSION
MEETING MINUTES OF MAY 22, 2023

The meeting was called to order at 8:30 a.m. by Village Council President Lutke.

Village Council present:	Bahle, Christensen, Lutke, Smith, Suppes and Yoder
Village Council absent:	Case
Planning Commission present:	Feringa, Hylwa, Pontius, Smith and Suppes
Planning Commission absent:	Hetler and Ostrowski
Staff present:	Fay, Larrea

Village Council agenda approval

Bahle moved, Yoder seconded, CARRIED, to approve the agenda as presented.
Ayes: 6, No: 0.

Planning Commission agenda approval

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

Public Comment

Public comments were received from Kathy Egan and Sharon Sutterfield.

Master Plan – The purpose of the meeting was to hear from Planning Commissioners of their intent behind any major changes in the Master Plan, most specifically on the Future Land Use Map (FLUM), as well as a discussion of possible implications/consequences of these proposed changes. Discussion points:

Future Land Use Map –

It was stated that the intent of combining the South Gateway and the South Business district was driven by the need to expand districts for affordable residential housing, emphasizing mixed use. The possibility of new businesses, such as commercial gas stations and car washes, did not enter into the discussion. Also, it was thought that there were too many districts on the Zoning Map, so consolidating was a factor for the change as well.

Preserving wetlands and maintaining these natural resources in the South Gateway was an area of concern, with a consensus to protect the wetlands. Can this preservation be defined in the Zoning Ordinance?

If the South Gateway is rezoned for commercial, the possibility exists for the construction of unwanted businesses. Can uses per district be defined in the Zoning Ordinance?

Maintaining the current character in the South Gateway, and the character of the Village was discussed as important.

Consider adding diverse housing, or mixed use, to the South Business district.

Can an ordinance protecting the Wetlands can be created? Do you want to preserve the wetlands, or encourage economic growth?

Talk to Suttons Bay Township about what they propose for housing.

Consider the survey. Residents would like the character of the Village maintained, parks and wetlands were important, and low on the list was multi family housing. Is it even reasonable to have affordable housing, other than ADU's, in the Village anyhow?

Can we come to a consensus that three story buildings are too high?

Are we talking about mixed use, or mixed residential, in these districts?

Unintended consequences exists if you combine South Gateway with South Business. Consider keeping them separate.

North Gateway

It was stated that the change on the FLUM map envisioned the PUD area possibly for cottage housing, mixed use, day cares and bed and breakfast. It was again an area to consolidate so that there were not so many districts. Larrea voiced hesitation to change that area; the lots are very small on the north side. Also, curb cuts are not allowed in that area. Combining this area with the PUD may cause confusion. Larrea stated the larger area in blue could be considered for multi-family residential.

Larrea stated the Master Plan is a document of what you want your community to be. It is important to pay a lot of respect to the FLUM so that there are not unintended results. Zoning ordinance amendments will follow the Master Plan.

If the intent of the FLUM was to allow for more residential, than that should be talked about and keep the gateways on the Zoning Map the way it was.

Housing checklist

There is limited probability for affordable housing within the Village. Consider the Township where it is more appropriate and warranted.

Township collaboration is important. It is time reengage.


The Village is small. Why push the boundaries and explode.

Public Comment

Public Comment was received from Larry Mawby and Zach Hillyer, Housing North.

The meeting adjourned at 9:46 a.m.

Meeting minutes submitted by Shar Fay, Clerk.

		<h1>VILLAGE OF SUTTONS BAY</h1>	
		<h2>REPORT VSB -2023-32</h2>	
Prepared:	June 8, 2023	Pages:	1 of 2
Meeting:	June 14, 2023	Attachments:	<input type="checkbox"/>
Subject:	Joint Meeting Discussion Overview & Action		

The Village Council and Planning Commission met to discuss public comments and various changes proposed in the master plan. Overall, it was a successful first meeting and one we will build upon as those participating become more comfortable with each other. The Village Council is appreciative of the PC, the time and effort that was put into the Master Plan and the desire to make decisions for the benefit of the community as a whole.

1. FLUM Change – Combing Districts

The combining of the South Business (SB) and South Gateway district (SG). The concern being the introduction of high intensity uses in these districts where they are currently prohibited (gas stations, warehousing, multi-family residential, car washes etc. along M-22) and the wetlands associated with these districts: **RESULT:** The consensus was to change the Future Land Use Map (FLUM) to eliminate the combining of districts.

Residential consideration. One area that may have been overlooked that could accommodate higher density residential is at the north western corner of M-204 & St. Joseph. The land is not environmentally sensitive, much of it is vacant and it is near a successful mixed residential project.

2. FLUM – Question

A residential area along the southeast side of M-22 changed from NVR to mixed use. To clarify, mixed use is more of a commercial/residential mixed development, while mixed residential is allowing a mix of residential types such as single family, two family etc. This should be discussed further as this area is currently and historically planned for low density, single family residential. This appears to be an oversight and a quick fix on the map if the PC agrees.

3. Housing Action List - Concerns

The housing checklist in many aspects contradicts the master plan survey results. *Consider eliminating the list and utilizing Goals and Objectives to support housing.* This in no way changes one’s desire to encourage housing in our community but acknowledges recent petitions and decisions of the village council.

STAFF COMMENT

As previously mentioned, the Village Council is thankful for your efforts and for those who participated or offered their comments during this process. The joint meeting appeared to be very helpful for everyone in attendance. From my perspective, it appeared that the PC has a desire to encourage residential growth, while the VC has a desire to preserve the character of the village corridor, and protect wetlands. These are all good things to build on and discuss at our next joint meeting in the coming weeks.

I am encouraged that once these items (1-3) are addressed, we can move towards the master plan adoption.

Date: 05.04.2023

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

RE: **Public Hearing**
Section 5-2 Multi-Family Housing in South Gateway Amendment

i
initiative

Action: Motion to recommend **approval/approval with changes/denial** of the zoning ordinance amendment to add multi-family housing to the South Gateway District, as a special use, to Village Council, as it **meets/does not meet** the criteria of Section 18-3(c) of the Zoning Ordinance.

Following return of this amendment from Village Council to the Planning Commission, the Planning Commission discussed the concerns of the Council and changed the proposed amendment to allow multi-family housing in the South Gateway District with a Special Use Permit. The proposed text is below.

Table 5-2 Schedule of Uses: Mixed Use Districts

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

Tonight is a public hearing on the proposed amendment as changed. Following the public hearing, the Planning Commission will need to review the amendment against the criteria listed in Section 18-3(C) of the Zoning Ordinance. Below are proposed findings that are a starting point for the Planning Commission to consider but feel free to amend or change as you see fit.

1. The proposed text amendment would clarify the intent of the ordinance.
The intent of the South Gateway zoning district "accommodates a mix of residential and commercial uses while maintaining residential neighborhood design characteristics to the south of the CBD." The text amendment would accommodate a greater range and mix of residential uses within the SG zoning district but may not maintain residential neighborhood design characteristics desired in the SG zoning district.

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

2. The proposed text amendment would correct an error or oversight in the ordinance.

The amendment would not correct an error or oversight.

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.

The proposed text amendment is not in response to any State legislation, recent case law or opinions from the Attorney General.

 *initiative*

4. The proposed text amendment would promote compliance with changes in other County, State or Federal regulations.

The proposed amendment would not 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.

The SG district "accommodates a mix of residential and commercial uses while maintaining residential neighborhood design characteristics to the south of the CBD." The proposed amendments would accommodate a mix of various residential uses with the inclusion of multi-family housing and allow for greater flexibility in building design for increasing the maximum number of stories in the SG district, as well as a variety of density to support the CBD.

6. The amendment will not create incompatible land uses within a zoning district, or between adjacent districts.

The proposed uses does not appear to create incompatible land uses within the zoning since it is a residential use. However, several SG properties appear to be within or adjacent to the village's Conservation Future Land Use Overlay in the Suttons Bay Joint Master Plan, as well as adjacent to several parcels within the Public Lands zoning district. Additional standards to mitigate potential adverse impacts may be appropriate. Care should be taken on environmentally sensitive lands.

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.

There is compatibility with the Joint Master Plan and there does not to appear to be any conflict with any other reports, studies, or other documents.

8. As applicable, the proposed change shall be consistent with the Village's ability to provide adequate public facilities and services.

It is currently unknown whether the proposed change is consistent with the Village's ability to provide adequate public facilities. The Village is in the process of determining the available capacity of public water and sewer. There is a potential that the increased density will not be able to be developed should the Village find out that the public water and/or sewer system cannot support the addition units.

9. The proposed change shall be consistent with the Village's desire to protect the public health, safety, and welfare of the community.

The proposed text amendments is consistent with the Village's desire to protect the public health, safety and welfare of the community.



initiative

Date: 05.04.2023

From: Sara Kopriva, AICP

To: Suttons Bay Planning Commission

RE: **Public Hearing**
Section 6-2 Multi-Family Housing in South Business Amendment

 initiative

Action: Motion to recommend **approval/approval with changes/denial** of the zoning ordinance amendment to add multi-family housing to the South Business District, as a special use, to Village Council, as it **meets/does not meet** the criteria of Section 18-3(c) of the Zoning Ordinance.

During discussions about multi-family housing in the South Gateway district, the Planning Commission discussed adding multi-family housing to the South Business district as well. The proposed text is below.

Table 6-2 Table of Uses: Commercial and Industrial Districts

Use	SB	WI	Specific Conditions
Residential Uses			
Dwellings, Multi-Family	SLU		Section 9-7

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

734 663 2622 ph
734 663 6759 fx

www.bria2.com

Petoskey Office
113 Howard Street
Petoskey, MI 49770

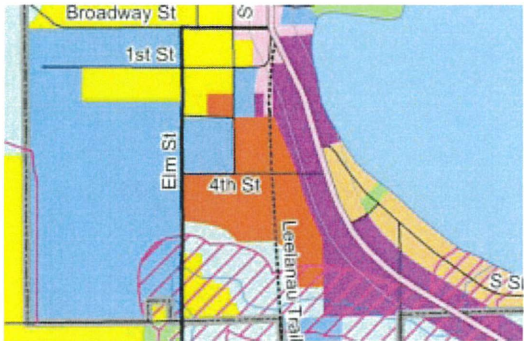
231 347 2523 ph
231.347 2524 fx

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

231.933.8400 ph
231.944 1709 fx

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

616 585 1295 ph



Current Future Land Use Map

 initiative



The future land use map delineates the areas that are currently zoned as South Business as General Commercial. Currently there are no residential uses allowed in the South Business District.

Tonight is a public hearing on the proposed amendment as changed. Following the public hearing, the Planning Commission will need to review the amendment against the criteria listed in Section 18-3(C) of the Zoning Ordinance. Below are proposed findings that are a starting point for the Planning Commission to consider but feel free to amend or change as you see fit.

1. The proposed text amendment would clarify the intent of the ordinance. *The intent of the South Business zoning district is "primarily to accommodate a range of retail and service uses serving the broader needs of the community and the motoring public. Large scale retailers, auto-related businesses and similar uses not generally appropriate for other commercial districts will be permitted." The amendment does not clarify the intent of the ordinance.*

2. The proposed text amendment would correct an error or oversight in the ordinance.

The amendment would not correct an error or oversight.

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.

The proposed text amendment is not in response to any State legislation, recent case law or opinions from the Attorney General.



initiative

4. The proposed text amendment would promote compliance with changes in other County, State or Federal regulations.

The proposed amendment would not 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.

This amendment will add a use to the district that is not fully consistent with the intent of the district since it is adding a residential use to a commercial district.

6. The amendment will not create incompatible land uses within a zoning district, or between adjacent districts.

The use of multi-family housing is more compatible with other zoning districts and may create incompatible land uses in the commercial district. The South Business district is one of the most intense commercial districts allowing for potentially noisy and incompatible hours by the residential use.

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.

There proposed change is not supported by the future land use map in the Master Plan.

8. As applicable, the proposed change shall be consistent with the Village's ability to provide adequate public facilities and services.

It is currently unknown whether the proposed change is consistent with the Village's ability to provide adequate public facilities. The Village is in the process of determining the available capacity of public water and sewer. There is a potential that the increased density will not be able to be developed should the Village find out that the public water and/or sewer system cannot support the addition units.

9. The proposed change shall be consistent with the Village's desire to protect the public health, safety, and welfare of the community.
The proposed text amendments is not consistent with the Village's desire to protect the public health, safety and welfare of the community.

 *initiative*

Date: 05.04.2023
From: Sara Kopriva, AICP
To: Suttons Bay Planning Commission
RE: **Section 5-3 3 story maximum** amendment

i
initiative

Action: Motion to recommend **approval/approval with changes/denial** of the zoning ordinance amendment to increase the maximum stories to 3 stories in the South Gateway district, to Village Council, as it **meets/does not** meet the criteria of Section 18-3(c) of the Zoning Ordinance.

Following the return of this amendment from Village Council to the Planning Commission, the Planning Commission discussed and made no changes to the proposed amendment. Since there have been no changes since the last public hearing, a new public hearing is not required.

Section 5-3

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.

The Planning Commission will need to review the amendment against the criteria listed in Section 18-3(C) of the Zoning Ordinance. Below are proposed findings that are a starting point for the Planning Commission to consider but feel free to amend or change as you see fit.

Evaluation of Proposed Text Amendment

Below is an evaluation of the proposed Zoning Ordinance amendment based on the criteria for text amendments set forth in Sec. 18-3(C). (Evaluation in *italics*.):

1. The proposed text amendment would clarify the intent of the ordinance.
The intent of the South Gateway zoning district "accommodates a mix of residential and commercial uses while maintaining residential neighborhood design"

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

characteristics to the south of the CBD.” The text amendment would accommodate a greater range and mix of residential uses within the SG zoning district.

2. The proposed text amendment would correct an error or oversight in the ordinance.

The amendment would not correct an error or oversight.

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.

The proposed text amendment is not in response to any State legislation, recent case law or opinions from the Attorney General.

4. The proposed text amendment would promote compliance with changes in other County, State or Federal regulations.

The proposed amendment would not 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.

The proposed amendment does not add use to the district and is not increasing the overall height of the structure allowed.

6. The amendment will not create incompatible land uses within a zoning district, or between adjacent districts.

The proposed uses does not appear to create incompatible land uses within the zoning since it is a residential use.

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.

There does not to appear to be any conflict with any other reports, studies, or other documents.

 initiative

8. As applicable, the proposed change shall be consistent with the Village's ability to provide adequate public facilities and services.

It is currently unknown whether the proposed change is consistent with the Village's ability to provide adequate public facilities. The Village is in the process of determining the available capacity of public water and sewer. There is a potential that the increased density will not be able to be developed should the Village find out that the public water and/or sewer system cannot support the addition units.



initiative

9. The proposed change shall be consistent with the Village's desire to protect the public health, safety, and welfare of the community.

The proposed text amendments is consistent with the Village's desire to protect the public health, safety and welfare of the community.

Date: 05.04.23

From: Sara Kopriva, AICP

To: Suttons Bay Planning Commission

RE: **Section 9-7 Remove 8 unit per Building** Amendment

i
initiative

Action: Motion to recommend **approval/approval with changes/denial** of the zoning ordinance amendment to remove 8 unit per building maximum from Section 9-7, as a special use, to Village Council, as it **meets/does not** meet the criteria of Section 18-3(c) of the Zoning Ordinance.

Following the return of this amendment from Village Council to the Planning Commission, the Planning Commission discussed and made no changes to the proposed amendment. Since there have been no changes since the last public hearing, a new public hearing is not required.

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.

The Planning Commission will need to review the amendment against the criteria listed in Section 18-3(C) of the Zoning Ordinance. Below are proposed findings that are a starting point for the Planning Commission to consider but feel free to amend or change as you see fit.

Evaluation of Proposed Text Amendment

Below is an evaluation of the proposed Zoning Ordinance amendment based on the criteria for text amendments set forth in Sec. 18-3(C). (Evaluation in *italics*.):

1. The proposed text amendment would clarify the intent of the ordinance. *The intent of the zoning ordinance is to allow for a variety of housing choices in the Village and protect the public health, safety and welfare of the residents and visitors. The amendment does not increase the overall density allowed on a property, it removes the limits of how many dwelling units can be a building to meet the density.*

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

2. The proposed text amendment would correct an error or oversight in the ordinance.
The amendment would not correct an error or oversight.

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.
The proposed text amendment is not in response to any State legislation, recent case law or opinions from the Attorney General.

4. The proposed text amendment would promote compliance with changes in other County, State or Federal regulations.
The proposed amendment would not 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.
This amendment does not add a use to a district.

6. The amendment will not create incompatible land uses within a zoning district, or between adjacent districts.
The amendment does not add a use to a district but remove a requirement for construction. Multi-family dwellings are currently allowed in the Waterfront Condominium (WC) district and Bay View (BV) and proposed in South Gateway (SG) and South Business (SB).

Typically lots are smaller in the Village but there would be opportunities for larger lots to have one building with many units which may create a look and character, incompatible with adjacent uses. For example, a 3 acres lot under the current ordinance would be able to have 54 units but a maximum of 8 units per building. As proposed under this amendment, the developer could choose to have all 54 units in one building.

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.
There does not appear to be any conflict with any other reports, studies, or other documents.

 initiative


8. As applicable, the proposed change shall be consistent with the Village's ability to provide adequate public facilities and services.

It is currently unknown whether the proposed change is consistent with the Village's ability to provide adequate public facilities. The Village is in the process of determining the available capacity of public water and sewer. There is a potential that the increased density will not be able to be developed should the Village find out that the public water and/or sewer system cannot support the addition units.

9. The proposed change shall be consistent with the Village's desire to protect the public health, safety, and welfare of the community.

The proposed text amendments is consistent with the Village's desire to protect the public health, safety and welfare of the community.

 initiative

		VILLAGE OF SUTTONS BAY ZONING REPORT	
Prepared:	06/09/2023	Pages:	1 of 1
Meeting:	June PC & Council	Attachments:	0 <input type="checkbox"/>
Subject:	Zoning Report		

LAND USE PERMITS ISSUED

DATE	TOTAL	NEW HOMES	ADU	ALTERATIONS ADDITIONS	ACCES. STRUCT.	FENCE	COMMERCIAL & SIGNS
May 2023	3	0	0	1	0	0	2
Year To Date	8	0	0	1	1	0	6

- LUP 2023-09 Covered Trellis for Kitchen Service Area – Hop Lot – West Bayshore Dr.
- LUP 2023-10 Additions + pool + Accessory Dwelling – First St.
- LUP 2023-11 Infrastructure, grading, and drainage for Harbor Heights

Two Land Use Permits currently in progress.

STAFF REPORT:

- ZBA Application for dimensional variances were approved for the Friendship Center, to allow for an addition.
- Inquiries on zoning requirements and standards.
- FEMA Flood Plain Map updates and ordinance.
- Property owner on South Shore Drive appealed ZBA decisions to the Circuit Court.
- ZBA Application for dimensional variance received to construct a front porch on St. Mary’s Street. Hearing scheduled for June 20, 2023

FUTURE ACTION REQUESTED: None at this time.