

VILLAGE OF SUTTONS BAY
Village Council Regular Meeting
420 N. Front Street, Suttons Bay, MI 49682
Monday, August 21, 2023 5:30 p.m.
Agenda

1. Regular Meeting Called to Order
2. Roll Call
3. Consent Agenda
 - a. Approval of Minutes-July 17, 2023
 - b. Payment of Invoices
 - c. Citizen Planner Certificate-Debra Smith
4. Agenda Approval
5. Public Comment / Communication (please limit to no more than three (3) minutes)
6. Unfinished Business
7. New Business
 - a. VSB-2023-45 Consideration of sewer lining contract
 - b. VSB-2023-47 Amendment(s) Z-2023-5 and Z-2023-6
8. Special Committee Reports/Staff Reports
 - a. Short Term Rental Committee Report
9. Good of the Order (Council Member Comments)
10. Public Comment (please limit to no more than three (3) minutes)
11. 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 suttonsbay@suttonsbayvillage.org as soon as possible.



VILLAGE COUNCIL REGULAR MEETING
MINUTES OF JULY 17, 2023

The meeting was called to order at 5:30 p.m.

Present: Bahle, Case, Lutke, Smith, Suppes and Yoder

Absent: Christensen

Staff present: Fay and Larrea

Consent Agenda

Bahle moved, Case seconded, CARRIED, to approve the Consent agenda as presented. The June 12, 2023 Special Village Council meeting minutes, and the June 20, 2023 Village Council Regular meeting minutes are approved. The payment of invoices is approved.
Ayes: 6, No: 0.

Agenda approval

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

Public Comment/Communication

Written communication received from Lois Bahle.
Public comments received from Larry Mawby, Lois Bahle, Bill Crackel, and Bob Martinson.

Report VSB-2023-40 ReLeaf Project

Yoder moved, Smith seconded, CARRIED, to authorize the Village Manager to finalize discussions and enter a partnership with Green Suttons Bay and ReLeaf Michigan.
Ayes: 6, No: 0.

Report VSB-2023-41 ADU Language Amendment

Bahle moved, Smith seconded, CARRIED, to accept the Planning Commission's recommended amendments as presented and found in Report VSB-2023-41, Section 9-2 Accessory Dwelling, with a roll call vote. Ayes: 5, No: 1.

Council further recommends Planning Commissioners address the definition of an Accessory Dwelling Unit (ADU).

Report VSB-2023-42 Marina Policy

Yoder moved, Bahle seconded, CARRIED, that the Marina Slip Rental Policy of 2023 be adopted effectively replacing the current Transient Slip Rental Policy. Ayes: 6, No: 0.

Resolution for Peninsula Housing

Yoder moved, Case seconded, CARRIED, to adopt Resolution 3 of 2023 drafted by staff with an affirmative unanimous roll call vote. Ayes: 6, No: 0.

Report VSB-2023-38 Joint DDA Discussion Meeting

It was the consensus of Council to schedule a joint meeting with the DDA for Wednesday, Sept 13th, 2023, at 9:00 a.m.

Short Term Rental Committee Report

Smith stated the STR committee removed redundant language from the current ordinance, and did not change parking language. Enforcement and communication require further discussion. STR's that operate without a license need addressed, perhaps a cease-and-desist violation letter by first class mail as well as daily fines. Documenting complaints is another area for further discussion. Also, adding a short-term rental section to our website was discussed, with categories such as an introduction, the ordinance, some positives, good neighbor guidelines, a complaint form and process, and a check list such as police, fire, and animal control. Bahle noted a minimal number of complaints have been received. He stated documented complaints followed by due process is necessary. Larrea stated letters have been sent out to violators, and that other local entities are contracting with a firm that handles enforcements formally. Larrea asked Council if they would like to separate STR's in neighborhoods and districts, such as the commercial district. Larrea will continue to work on the ordinance with a couple of tweaks.

Good of the Order

Case inquired about the fuel entry on page 2 of check register. He further asked about business owners cleaning up the alley behind the post office and restaurant; Larrea responded the Zoning Administrator has contacted them and full compliance is anticipated. Case stated the Village has wonderful employees whom he appreciates.

Smith gave kudos for the new signs; they look great.

Yoder requested the Village Manager take the opportunity to meet with Bob Martinson, and that the new signs are beautiful.

Public Comment

Comments received from Bob Martinson, Lois Bahle, Donna Popke, Suzanne, Sue Chapman, Larry Mawby and Bill Crackel.

The meeting adjourned at 6:21 p.m.

Shar Fay, Clerk

Date: July 18, 2023

Approval date:

User: DOROTHY

CHECK DATE FROM 07/13/2023 - 08/16/2023

5

DB: Suttons Bay

Check Date	Check	Vendor Name	Description	Amount
Bank GEN FIFTH THIRD CHECKING				
07/14/2023	18926(E)	MICHIGAN RETAILERS SERVICES	ID# 46597-001 AUGUST PREMIUM 2023	508.55
07/14/2023	18927(E)	MENARDS	6X6X10 ROUGH SAWN CEDAR POSTS	398.78
07/14/2023	18928(E)	PITNEY BOWES - PURCHASE POWER	CUST#800909002229933 JULY 2023	601.00
07/14/2023	46663	ROSS JORDAN	TRANSIENT REFUND LESS PROCESS FEE	83.00
07/14/2023	46664	SECURITY SANITATION, INC	PORT JOHN RENTAL THRU JULY 12, 2023	1,230.00
07/14/2023	46665	WINDEMULLER	CUST#32023PLC INV #1	3,589.30
07/18/2023	18929(E)	CHARTER COMMUNICATIONS	ACCT#005327301 665 N FRONT JUNE 2023	109.98
07/18/2023	18930(E)	CHARTER COMMUNICATIONS	ACCT# 005327201 420 FRONT JUNE 2023	157.97
07/18/2023	18931(E)	MICHIGAN MUNICIPAL EXECUTIVES	MME PROFESSIONAL DUES 2023	425.00
07/19/2023	18932(E)	VISION SERVICE PLAN	ACCT#30014164 001 JULY PREMIUM	205.06
07/19/2023	18933(E)	VISION SERVICE PLAN	ACCT#30017164 001 AUG 2023 PREMIUM	205.06
07/20/2023	46666	ASPIRE FINANCIAL SERVICES	1ST QTR 2023 CUSTODIAL FEES	334.54
07/20/2023	46667	BAYSHORE OIL & PROPANE	1200 GALS REC 90 @ 3.89	9,938.97
07/20/2023	46668	BS&A SOFTWARE	CUST#SUTTVGLEEL 23/24 ANNUAL SUPPORT FEE	3,129.00
07/20/2023	46669	GEI CONSULTANTS	PROFESSIONAL SERVICES THRU 06/30/2023	5,962.04
07/20/2023	46670	THE HOME CITY ICE COMPANY	132 BAGS ICE/DELIVERY	232.80
07/20/2023	46671	MICHAEL DENNIS	REFUND LESS PROCESSING FEE	103.00
07/20/2023	46672	JENNIFER HELLING	TRANSIENT REFUND LESS PROCESS FEE	765.50
07/20/2023	46673	MUNICIPAL UNDERWRITERS OF WEST	2023-2024 ANNUAL INSURANCE PREMIUM	22,449.00
07/20/2023	46674	INTEGRITY BUSINESS SOLUTIONS	BOX FINE MARKERS	18.99
07/20/2023	46675	PURE WATER WORKS	1522 RICHTER-WATER DELIVERY	96.00
07/20/2023	46676	SECURITY SANITATION, INC	PORTA JOHN RENTAL BAHLE PARK JULY 2023	110.00
07/20/2023	46677	SONDEE, RACINE & DOREN	PROFESSIONAL SERVICES THRU JUNE 30, 2023	648.00
07/25/2023	46678	OUTSIDE EDGE CONCRETE CONSTRUCTION	5X100;6X100 SIDEWALK/ADA ADDITION	8,710.00
07/25/2023	46679	DC COLLECTIVE GROCER	CLOROX BLEACH PUBLIC RESTROOMS	18.78
07/25/2023	46680	COUNTY OF LEELANAU	POLICE PERSONNEL/MILEAGE APR 2023	20,964.86
07/25/2023	46681	ABONMARCHE CONSULTANTS, INC	MASTER PLAN UPDATE 23-1068	2,883.05
07/25/2023	46682	AIRGAS USA, LLC	MONTHLY RENTAL JUNE 2023	43.46
07/25/2023	46683	AT&T MOBILITY	CELL PHONE-MULTIPLE ACCTS JULY 2023	486.54
07/25/2023	46684	BAYSHORE OIL & PROPANE	1102.2 GALS REC 90 @ 3.96	11,105.73
07/25/2023	46685	FLEIS & VANDENBRINK ENGINEERING	HARBOR HEIGHTS ESCROW THROUGH 7/1/2023	31,940.02
07/25/2023	46686	GOOD NATURE GARDENS, INC	GARDEN MAINTENANCE JULY 2023	184.00
07/25/2023	46687	THE HOME CITY ICE COMPANY	103 BAGS @1.65 + DELIVERY	229.50
07/25/2023	46688	PARSHALL TREE SERVICE	JOB# 20230705 -TREE REMOVAL-JEFFERSON	2,720.00
07/25/2023	46689	ROBERT HOFFMAN	TRANSIENT REFUND LESS PROCESS FEE	350.00
07/25/2023	46690	MI WATER ENVIRONMENT ASSOC	MEMBERSHIP DUES #1646 DAVID MILLER	95.00
07/25/2023	46691	PRIORITY HEALTH	GROUP 784340 AUGUST 2023 PREMIUM	9,116.83
07/25/2023	46692	SECURITY SANITATION, INC	PORTA JOHN WATER WHEEL JULY 2023	110.00
07/25/2023	46693	SOS ANALYTICAL	LAB ANALYSIS JULY 2023	100.00
07/25/2023	46694	STANDARD INSURANCE COMPANY	642946 0117, AUGUST 2023 PREMIUM	502.67
07/25/2023	46695	SUMMIT COMPANIES	FIRE EXT ANNUAL MAINTENANCE 2023	971.20
07/25/2023	46696	TKS SECURITY	CAMERA MAINTENANCE NORTH PARK	200.00
07/25/2023	46697	USABLUEBOOK	OUTDOOR LOCKS/MILWAUKEE TAPE	554.64
07/25/2023	46698	WELLS FARGO FINANCIAL LEASING	CUST# 1000090171 CONT# 6030214439-000	72.92
07/28/2023	18934(E)	DTE ENERGY	MULTIPL ACCOUNTS JULY 2023	523.30
07/28/2023	18935(E)	AMAZON	ORDER# 1404229 SAFETY SHIRTS	359.92
07/28/2023	18936(E)	CHARTER COMMUNICATIONS	ACCT# 005326901 326 FRONT STREET JUNE 20	137.98
07/30/2023	18937(E)	ADOBE	JULY 2023 MNGRS SOFTWARE	21.19
07/30/2023	18938(E)	CHARTER COMMUNICATIONS	ACCT#8284131220008513 JULY 2023	202.96
07/30/2023	18939(E)	FIFTH THIRD BANK	BANK FEES JULY 2023	137.59
08/08/2023	46699	DC COLLECTIVE GROCER	OFFICE SUPPLIES	5.98
08/08/2023	46700	NORTHERN BUILDING SUPPLY, LLC	MULTIPLE INVOICES	408.18
08/08/2023	46701	FERGUSONS LAWN EQUIP.	EQUIPMENT REPAIR MOWER/WEED WHIP	275.59
08/08/2023	46702	LEELANAU ENTERPRISE	ACCT# 2074 PC AMENDMENTS	230.55
08/08/2023	46703	AIRGAS USA, LLC	CYLINDER RENTAL JULY 2023	44.39
08/08/2023	46704	BAYSHORE OIL & PROPANE	844 GALS REC 90 @ 3.96 PER GAL + TAXES	27,578.98
08/08/2023	46705	BRIGHTSPEED	TELEPHONE SERVICE-MULTIPLE JULY 2023	662.19

Check Date	Check	Vendor Name	Description	Amount
08/08/2023	46706	BRIGHTSPEED	TELEPHONE SERVICE-MULTIPLE JULY 2023	226.04
08/08/2023	46707	INTEGRITY SOFTWARE SYSTEMS	TREND MICRO JULY-JUNE 2024	472.50
08/08/2023	46708	MERIT LABORATORIES	PFAS TESTING JULY 2023	2,112.00
08/08/2023	46709	BELLINGER, ERIN	UB refund for account: STMN-000324-0000-	201.58
08/08/2023	46710	WILLIAM UMBERGER	TRANSIENT REFUND LESS PROCESS FEE	23.00
08/08/2023	46711	JOHN SCHMIDT	TRANSIENT REFUND LESS PROCESS FEE	451.00
08/08/2023	46712	DONALD GROSZEK	TRANSIENT REFUND LESS PROCESS FEE	71.00
08/08/2023	46713	MR CLEAN	CLEANING SERVICES JUNE 2023	410.00
08/08/2023	46714	NETLINK BUSINESS SOLUTIONS	SBAYVILL-3 MO MAINTENACE AGREEMENT/COLOR	452.14
08/08/2023	46715	NORTHWOODS PRINTERS, LLC	LASER PAYROLL CHECKS	231.55
08/08/2023	46716	JACOBS ENGINEERING GROUP, INC	CUST# 120525 PROJ# 404723.14 SEPT 2023	16,249.00
08/08/2023	46717	DOROTHY PETROSKEY	OFFICE SUPPLIES	43.96
08/08/2023	46718	PURE WATER WORKS	WATER DELIVERY/DEPOSIT	45.50
08/08/2023	46719	LEELANAU CTY ROAD COMMISSION	UNLEADED/LEADED GAS	983.73
08/08/2023	46720	STEVE ALGUIRE	TREE EVALUATION-JEFFERSON	380.00
08/08/2023	46721	TKS SECURITY	ANNUAL REMOTE VIEWING SUPPORT	360.00
08/08/2023	46722	USABLUBOOK	MASTER LOCK VAULT OUTDOOR (2)	364.72
08/08/2023	46723	WINDEMULLER	WWTP WO#133654 INV#4 FOR PLC UPGRADES	7,178.60
08/15/2023	18940 (E)	CONSUMERS ENERGY	MULTIPLE ACCOUNTS AUG 2023	5,827.43
08/15/2023	18941 (E)	CHERRYLAND ELECTRIC	ACCT# 8364410 AUG 2023	124.47
08/15/2023	18942 (E)	AMAZON	GILMORE VINYL HOSE 50'	45.67
08/15/2023	18943 (E)	AMAZON	MENS WATERPROOF JACKET	129.99
08/15/2023	18944 (E)	AMAZON	WATERPOOOF PANTS X LARGE	129.99
08/15/2023	18945 (E)	AMAZON	DESK TOP CLEAR MAT	18.99
08/15/2023	18946 (E)	CHARTER COMMUNICATIONS	ACCT#005327201 420 FRONT JULY 2023	157.97
08/15/2023	18947 (E)	CHARTER COMMUNICATIONS	ACCT# 005327301 665 N FRONT JULY 2023	109.98
08/15/2023	18948 (E)	MICHIGAN RETAILERS SERVICES	ID# 46597-001 PREMIUM SEPT 2023	508.55
08/15/2023	18949 (E)	MI MUNICIPAL LEAGUE	MANAGERS 2023 ANNUAL CONVENTION	595.00
08/15/2023	18950 (E)	PITNEY BOWES - PURCHASE POWER	ACCT#8000909002229933 AUG 2023	400.00
08/15/2023	18951 (E)	THREADS	VILLAGE LOGO T-SHIRTS	240.00
08/15/2023	18952 (E)	CHARTER COMMUNICATIONS-NATL	ACCT# 103479401 JULY 2023	127.97
08/16/2023	46724	ART'S AUTO AND TRUCK PARTS INC	CUST# 20090 LUBE/5W30/BLUE GREASE	112.05
08/16/2023	46725	FERGUSONS LAWN EQUIP.	CUST#7057 MOWER REPAIR	1,121.98
08/16/2023	46726	ABONMARCHE CONSULTANTS, INC	ENGINEERING SERVICES THRU 7/31/2023	2,250.00
08/16/2023	46727	AMERICAN PLANNING ASSOCIATION	ANNUAL CONFERENCE 2023	435.00
08/16/2023	46728	BAYSHORE OIL & PROPANE	901.8 GALS REC 90 @ 4.08 PER GAL + TAXES	4,270.01
08/16/2023	46729	BUNEKS HARDWARE	ACCT# 2536 50 LBS SUN/SHADE GRASS SEED	196.99
08/16/2023	46730	GRAHAM ELECTRIC MOTOR SERVICE	CUST# 369750 GENERATOR SERVICE REPAIR	366.00
08/16/2023	46731	MML WORKERS COMEPENSATION FUND	POLICY # 5002750-23 INSTALL #2	1,237.00
08/16/2023	46732	MICHIGAN PIPE & VALVE	CUST# 0001710 WATER SUPPLIES-VALVE BOX	914.00
08/16/2023	46733	MCCOMB, WALTER	UB refund for account: DRPA-000761-0035-	64.99
08/16/2023	46734	BRIEANN DALZELL	BAHLE WARMING HUT DEPOSIT REFUND	100.00
08/16/2023	46735	LAWRENCE W TUTTLE	TRANSIENT REFUND	57.68
08/16/2023	46736	CURTIS KUTTNAUER	50% REFUND TRANSIENT FEE	57.00
08/16/2023	46737	SECURITY SANITATION, INC	PORT JOHN RENTAL WW PARK AUG 2023	110.00
08/16/2023	46738	SOS ANALYTICAL	ROUTINE ANALYSIS AUGUST 2023	100.00
08/16/2023	46739	STEVE ALGUIRE	FORESTRY CONSULTING-SSH DBL WHITE PINES	133.00

GEN TOTALS:

Total of 104 Disbursements:

223,447.57

Michigan State University Extension
Citizen Planner Program

awards this

Citizen Planner Certificate

to

Debra Smith

in recognition of successful completion of

Citizen Planner Online

MICHIGAN STATE
UNIVERSITY | **Extension**

Wednesday, July 19, 2023

August 16, 2023

Suttons Bay Village Council,

I am writing today to express my thoughts that have been bouncing around in my head all year. I can't stop thinking about all the things that this village has lost over the years...

- The tow rope for skiing at Bahle Hill
- The wooden pirate ship playground equipment
- Two of the four phone booths
- The bridge across the wetlands at the coal docks
- The water wheel
- And of course, the trees, trees in every park and throughout downtown

I understand that many of these losses were for solid safety concerns. My point is that nothing has been done to replace these unique things that made Suttons Bay what it once was and gave it its unique identity.


Anything that sets Suttons Bay apart from all the other small coastal communities in northern Michigan is a result of local property owners and citizens. Yes, we have playground equipment which was funded for and installed by local families. Yes, we have a colorful downtown which was painted by local property owners. We have a clock downtown – from the Rotary Club. We have a Christmas Tree provided by CenturyLink. We have beautiful plantings – planted and cared for by the Garden Club.

Lately it has been feeling like we have become quite bland with very little “specialness” other than what local residents and businesses have been trying to provide.

My point is this: as you review the budget for the upcoming fiscal cycle, could the Village Council set aside some funding for what would be considered a non-essential? Something that is, in fact, completely essential for a sense of “community” for the community? I am not offering any specific suggestions; I am simply asking that you do something for the community “just because”. Just because we all loved and miss the things that have been taken away over the years.

Regards,

Kathy Egan

		VILLAGE OF SUTTONS BAY REPORT VSB -2023-45	
Prepared:	August 16, 2023	Pages:	1 of 1
Meeting:	August 21, 2023	Attachments:	<input checked="" type="checkbox"/>
Subject:	Sewer Lining Contract Proposal		

PURPOSE

To consider a proposal for the lining of a portion of our Front Street sewer line.

OVERVIEW

As you are aware, a few years ago the Village received a Stormwater, Asset Management, and Wastewater (SAW) grant. As a part of this grant, we were able to video all our underground sewer, and stormwater infrastructure. These videos are essential in identifying underground intrusions, breaks, leaks etc., and prioritizing their repair/replacement.

In order to address the higher priority concerns, we have been partnering with Monchilov sewer service who utilizes a newer technology that patches lines from the inside, eliminating the need for excavation. This newer technology provides a tremendous cost savings to the village and extends the life of the pipe itself.

Over the past couple years, we have been incrementally patching our pipes using this technology, including approximately 1,100 feet on Front Street. Now that the Front St. line has been patched, we are able to begin the lining process. We did not anticipate beginning this procedure until 2024, however, Monchilov will be in the vicinity and has proposed to begin the process (375 ft of 1,100 ft) in the next 30-45 days. There are a few advantages to this contract including a lower mobilization fee and 2023 pricing, which is anticipated to increase in 2024.

Due to the location of the sewer line, the project will limit/close traffic on Front St. from Dame to Madison St. for approximately 3-days. In addition, this contract (\$35,500) would require an end of the year budget amendment however saving on mobilization and utilizing 2023 pricing is justifiable and, in this case, recommended. Considering the project was not budgeted for in 2023 it is before you for consideration.

REQUESTED ACTION

Should the village council feel it is appropriate to move forward with the request, a motion for consideration is as follows:

MOTION TO direct the Village Manager to finalize the attached contract for the reasons stated in Report VSB-2023-45 and being made a part of this motion.



July 31, 2023

David Miller

Dear Mr. Miller:

Re: Sanitary Sewer Lining and Bypass

Monchilov Sewer Service, LLC. (MSS) appreciates the opportunity to provide this proposal in response to Village of Suttons Bay Request for Proposal. MSS has carefully reviewed the scope of work and has provided an estimate for this project. It is our understanding that the work includes sanitary sewer bypass and pipe lining installation services.

Information for our bid was obtained from the following:

- Site visit conducted July 25, 2023

1.0 Mobilization and Site Services

- Equipment, materials, and labor necessary for MSS to mobilize to and demobilize from the project site.
- Assumptions:
 - Proposal assumes one mobilization to complete project scope of work.

2.0 Sewer Bypass Pumping

- Provide 6" Dri-Prime Bypass Pump
- Provide and install associated lay flat, suction, and discharge hose for temporary bypass of sanitary sewer.
- Assumptions:
 - Assumes 600' of bypass necessary based on field measurements.
 - Bypass pump does includes noise attenuated enclosure.

3.0 Install 10" Sanitary Sewer Pipe Liner

- Provide and install 375 feet of sanitary sewer pipe lining.
- Assumption:
 - One run of liner through currently installed manholes.

Item	Description	Qty.	Item	Rate	Total
1.0	Mobilization and Demobilization	1	Lump Sum	\$4,000.00	\$4,000.00
2.0	Sewer Bypass and Pumping	1	Lump Sum	\$9,000.00	\$9,000.00
3.0	Sanitary Sewer Pipe Lining	375	Lineal Feet	\$60.00	\$22,500.00
			Estimate Total		\$35,500.00



SCHEDULE

- MSS will schedule the work after receipt of written authorization of this proposal and execution of a services agreement/contract.
- MSS will make every effort to complete this project in an efficient and timely manner but cannot be responsible for delays due to design changes, excessive equipment delivery times, weather, and unforeseen site conditions.
- MSS estimates this work will take approximately 3 days to complete field work.

Thank you for the opportunity to provide a proposal for the referenced project. Monchilov Sewer Service looks forward to working with Village of Suttons Bay on this and future projects. If you choose to accept this proposal or if you have any questions, please do not hesitate to contact me at (989) 693-6690.

Sincerely,

Monchilov Sewer Service


Travis Manchilov
Vice President of Operations

Authorized Signature Accepting this Proposal to Begin Work as Outlined in this Proposal.

Signature	Title	Date
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Terms & Conditions

1. Payment for owner authorized services shall be due net 30 days after date on the invoice with monthly progress billing. Final payment is to be made within 30 days after completion of our work with no retention withheld.
2. This quote is good for 60 days and is subject to changes in material costs due to seasonal and market fluctuations.
3. This proposal reflects current fuel pricing from the date of this proposal; fuel surcharge will be added to items that require the use of fuel for transportation and heavy equipment operation if fuel prices increase above \$4.00.
4. Minimum charges will be billed if quantities equal less than minimum quantities if specified in the bid table.
5. Unit costs in attached cost proposal assume quantities shown are minimum amounts.
6. Costs assume 10-hour workdays on Monday through Friday.
7. Equipment and crew can mobilize to site upon receipt of Purchase Order and begin construction.

		<h1>VILLAGE OF SUTTONS BAY</h1> <h2>REPORT VSB -2023-47</h2>	
Prepared:	August 16, 2023	Pages:	1 of 1
Meeting:	August 21,2023	Attachments:	<input checked="" type="checkbox"/>
Subject:	Amendments - Z-2023-05 & Z-2023-06		

OVERVIEW

You may recall that several months ago Peninsula Housing filed several applications to amend the zoning ordinance. The planning commission, following discussion and public hearings, recommended the amendments for approval. The Village Council, following public concern remanded the amendments back to the planning commission for further discussion and clarification. Those amendments have all taken their own path since then with two of them back before you for consideration.

In brief, amendment **Z-2023-05** would change the maximum permitted stories in the South Gateway (SG) zoning district **from 2.5 to 3 stories**. While the second amendment **Z-2023-06**, would amend Section 9-7 Multi-Family Development, to change the **maximum density permitted in a building from 8 units to 18 units & eliminate the open space provision**.

CURRENT	
Section 9-7	Multi-Family Development
<hr/>	
A.	<i>Maximum Units.</i> Eight (8) units per structure maximum and 18 units per acre gross density.
B.	<i>Open Space.</i> Open spaces comprising at least 10 percent of the total gross area of the project shall be planned and built as a common area.

PROPOSED	
Section 9-7	Multi-Family Development
<hr/>	
A.	Maximum Units
1.	No more than 18 units per structure.
2.	No more than 18 units per acre gross density.

RECOMMENDATION

The amendment applications (attached) were filed separately therefore I would recommend two separate motions when considering the request.

MOTION TO: Approve/deny amendment **Z-2023-05** to zoning ordinance 2 of 2018 to amend Table 5-3 Spatial Requirements maximum stories permitted from 2.5 to 3 stories in the South Gateway district as described in Report VSB-2023-47 and being made a part of this motion.

MOTION TO: Approve/deny amendment **Z-2023-06** to zoning ordinance 2 of 2018 to amend Section 9-7 Multi-Family Development, to change the maximum density permitted in a building from 8 units to 18 units & eliminate the open space provision as described in Report VSB-2023-47 and being made a part of this motion.

project memorandum

B R i Beckett&Raeder

Landscape Architecture
Planning, Engineering &
Environmental Services

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*):

- 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"

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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.

 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 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.

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: 08.04.23
 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 increase number of units per building to 18 from Section 9-7 to Village Council, as it **meets/does not** meet the criteria of Section 18-3(c) of the Zoning Ordinance.

At the June meeting, the Planning Commission discussed concerns that came from the Village Council meeting. It was decided that the maximum number of units in a multiple family dwelling should not removed but could be increase from 8 units to 18 units. The text to be considered is below and included in the public hearing notice.

Section 9-7 Multi-Family Development

- A. *Maximum Units.*
1. No more than 18 units per structure
 2. No more than **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

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amendment does not increase the overall density allowed on a property. It does increase the number of units allowed per building.

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.

i
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 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 amend 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 18 units per 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 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.



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.



Office of Planning and Zoning
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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



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

B. PURPOSE OF APPLICATION

Section(s) reference: Sect bn 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).

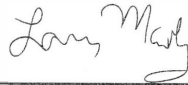
Amendment requested to facilitate multi-family affordable workforce housing

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:

 9/9/2022
Applicant Signature Date

 9/9/2022
Agent Signature Date