



VILLAGE OF SUTTONS BAY
Village Council Regular Meeting
420 N. Front Street, Suttons Bay, MI 49682
Tuesday January 17, 2023 5:30 p.m.
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. Regular Meeting Called to Order
2. Roll Call
3. Consent Agenda
 - a. Approval of Minutes December 6, 2022
 - b. Payment of Invoices
 - c. Planning Commission Annual Report
4. Agenda Approval
5. Public Comment / Communication and Reports (please limit to no more than three (3) minutes)
 - a. Correspondence received from Fred & Nancy Elmore regarding ADUs
 - b. Correspondence received from Judy Yoder regarding ADUs
6. Unfinished Business
7. New Business
 - A. VSB 2023-06 Text Amendment Article 6-2
 - B. VSB 2023-05 Text Amendment-Daycare Language
 - C. VSB 2023-02 Water Wheel Proposal
 - D. VSB 2023-07 Elm Street Study
8. Special Committee Reports/Staff Reports
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.

Council

Staff continues to gather & evaluate information regarding ADUs-- as was requested by council. This information will be provided and discussed at the administrative committee in February and with a recommendation made to the Village Council.



VILLAGE OF SUTTONS BAY
VILLAGE COUNCIL REGULAR (RESCHEDULED) MEETING
MINUTES OF DECEMBER 6, 2022

The meeting was called to order at 8:31 a.m. by President Lutke

Present: Case, Christensen, Lutke, Smith, Suppes and Yoder
Absent: Bahle
Staff present: DeVol, Fay, Larrea and Miller

Consent Agenda

Yoder moved, Case seconded, CARRIED, to approve the Consent agenda as presented. The Village Council meeting minutes of November 21, 2022, are approved. The payment of Invoices is approved. The correspondence received from Beuerle and Bahle are acknowledged. Ayes: 6, No: 0.

Agenda approval

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

Public Comment/Communication and Reports

Larry Mawby would like Council to consider allowing nonowner occupied residences with ADU's, and consider now, or in the future, some kind of rental management ordinance to regulate ADU's.

Fred Elmore has the same concern about ADU's and believes that nonowner occupied residences with ADU's can be dealt with differently.

Bill Perkins wants Council to not set the taxes as high as possible; but instead, one decimal under.

Bill Crackel believes we should raise the tax to deal with things like trees and roads.

VSB 2022-70 2022 FYE Budget Amendments

Suppes moved, Yoder seconded, CARRIED, to adopt the 2022 Year End budget amendments, to reflect an expense of \$3,784,512 and a revenue of \$2,922,858. Ayes: 6, No: 0.

VSB 2022-69 Truth in Taxation Hearing

The public hearing was called to order at 8:38 a.m., by President Lutke. Lutke moved, Christensen seconded, CARRIED, to close the public hearing. The public hearing closed at 8:39 a.m.

Yoder moved, Smith seconded, CARRIED, that the maximum millage rate allowed by Headlee to support the 2023 Budget as provided for in Report VSB 2022-69 and being made a part of this motion be adopted, with an affirmative unanimous roll call vote.
Ayes: 6, No: 0.

VSB 2022-68 2023 FYE Budget

Yoder moved, Christensen seconded, CARRIED, to adopt Resolution 3 of 2022, to approve the 2023 Budget and Fees to support the 2023 Budget, with an affirmative unanimous roll call vote. Ayes: 6, No: 0.

2023 Meeting Dates and Times

Christensen moved, Case seconded, CARRIED, to approve the 2023 dates and times as presented in the packet. The Village Council meetings will occur on the third Monday of every month, at 5:30 p.m., with the exception of January and February when they will occur on the third Tuesday at 5:30 p.m. Ayes: 6, No: 0.

Appointments – Committees, Boards and Commissions

Lutke appointed the following Council trustees to Committees:

Utility/Marina Committee: Will Case and Pat Yoder

General Services Committee: Debi Smith and Roger Suppes

Administrative/Personnel Committee: Colleen Christensen and Karl Bahle

Lutke will remain on all Committees.

Lutke nominated the following for board and commissions appointments:

Planning Commission:

Steve Feringa, for a term ending 2025

Gail Hetler for a term ending 2025

Roger Suppes as Village Council Ex-officio

Zoning Board of Appeals

Karen Hassevoort for a term ending 2025

Bill Perkins for a term ending 2025.

Frank Smith as Planning Commission Ex-officio

Karl Bahle as Village Council Ex-officio

Downtown Development Authority

Nick Wierzba for a term ending 2026

Donna Popke for a term ending 2026

Lee Millns for a term ending 2026

Suppes moved, Smith seconded, CARRIED, to approve the nominations made by Lutke and therefore are appointed. Ayes: 6, No: 0.

Good of the Order

Debi Smith would like dedicated discussions/meetings on Short Term Rentals and Accessory Dwelling Units.

Colleen stated it has been a great year in the Village. She commented on the increase in public participation. She commented on staff; the quality and commitment is unprecedented. She stated the Work plan is instrumental in laying out goals and strategies all in one document. She believes that Council works well together and looks forward to 2023. She looks forward to resolution on projects such as the Waterwheel, STR's, and ADU's.

Public Comment

William Crackel appreciates Council, the Village President and Dave Miller. In 2023, he hopes to see improvements on the drainage, road, and sidewalk on St Mary's Street, and Waterwheel Park, as well as a gas pump at the Marina. He believes Council will make the right decision on the Short-Term Rental ordinance based on what is right for the whole Village.

The meeting adjourned at 8:56 a.m.

Meeting minutes submitted by Shar Fay, Clerk.


Check Date	Check	Vendor Name	Description	Amount
Bank GEN FIFTH THIRD CHECKING				
12/06/2022	46243	CONSUMERS ENERGY	NOV 2022 MULTIPLE ACCOUNTS	3,875.92
12/06/2022	46244	GRAND TRAVERSE SURVEYING & MAPPING	ST MARY STREET SITE PLAN	1,050.00
12/06/2022	46245	JACOBS ENGINEERING GROUP, INC	CUST# 120525 404723.13 REPAIRS	1,240.86
12/06/2022	46246	DOROTHY PETROSKEY	OFFICE SUPPLIES	47.36
12/06/2022	46247	PURE WATER WORKS	WWTP PLANT SUPPLIES	12.50
12/06/2022	46248	LEELANAU CITY ROAD COMMISSION	24.25 YDS 5:1 WINTER MIX	602.37
12/06/2022	46249	SECURITY SANITATION, INC	WATERWHEEL DEC 2022	110.00
12/06/2022	46250	SOS ANALYTICAL	ROUTINE/18HR TESTING	345.00
12/06/2022	46251	VALLEY CITY LINEN	NOV 2022 FINAL PAYMENT FINAL	100.00
12/06/2022	46252	WINDEMULLER	CUST# VILSUT INVOICE#3 PLC UPGRADES	11,881.80
12/07/2022	18748 (E)	CHERRYLAND ELECTRIC	ACCT# 8364410 1522 RICHTER DEC 2022	174.67
12/07/2022	18749 (E)	CHARTER COMMUNICATIONS	ACCT # 001977411122DEC 2022 420 FRONT	147.97
12/07/2022	18750 (E)	CHARTER COMMUNICATIONS	ACCT#8245121220022588 146 S SHORE DEC 20	182.96
12/07/2022	18751 (E)	GFL ENVIRONMENTAL	ACCT# 002105664 DEC 2022	292.04
12/07/2022	18752 (E)	PITNEY BOWES	ACCT# 0016108757 4TH QUARTER PAYMENT	140.10
12/07/2022	18753 (E)	VISION SERVICE PLAN	ACCT# 30317164 001 NOVE PREMIUM	205.06
12/07/2022	18754 (E)	VISION SERVICE PLAN	ACCT # 300171640001 DEC 2022	205.06
12/07/2022	46253	GEI CONSULTANTS	ACCT# 2204115 STREAM RESTORATION	14,100.52
12/07/2022	46254	MACHIN ENGINEERING, INC.	WATERWHEEL PARK STRUCTURE	2,600.00
12/07/2022	46255	LEELANAU COUNTY EQUALIZATION	SUTTON PARK MAP- FUTURE WALKWAYS	40.00
12/07/2022	46256	TRAVERSE CITY RECORD EAGLE	LEGAL NOTICE BUDGET	98.85
12/13/2022	18758 (E)	MICHIGAN RETAILERS ASSOCIATION	MEMBERSHIP APPLICATION-DENTAL	70.00
12/20/2022	46257	CONSUMERS ENERGY	775 CHERRY BLOSSOM DEC 2022	103.62
12/20/2022	46258	DC COLLECTIVE GROCER	OFFICE SUPPLIES	8.67
12/20/2022	46259	AIRGAS USA, LLC	CYLINDER RENTAL NOV 2022	31.98
12/20/2022	46260	KARL BAHLE	2022 COUNCIL & ZBA	675.00
12/20/2022	46261	WILL CASE	VILLAGE COUNCIL 2022	595.00
12/20/2022	46262	COLLEEN CHRISTENSEN	VILLAGE COUNCIL 2022	595.00
12/20/2022	46263	CUMMINS BRIDGEWAY, LLC	CUST # 219913 ONAN R & P	756.90
12/20/2022	46264	DANBROOK ADAMS RAYMOND	GENERAL MATTERS	975.00
12/20/2022	46265	DEBRA SMITH	VILLAGE COUNCIL 2022	595.00
12/20/2022	46266	FLEIS & VANDENBRINK ENGINEERING	HARBOR HEIGHTS DEVELOPMENT REVIEW	1,295.00
12/20/2022	46267	HERMAN'S MOBILE SERVICE LLC	REPAIR OF FLOATING DOCKS	1,087.60
12/20/2022	46268	GAIL HETLER	2022 PLANNING COMMISSION (12)	480.00
12/20/2022	46269	RICHARD HYLWA	2022 PLANNING COMMISSION (13)	520.00
12/20/2022	46270	JARED PONTIUS	2022 PLANNING COMMISSION (16)	640.00
12/20/2022	46271	MARTIN JELINEK	2022 ZBA MEETINGS (3)	120.00
12/20/2022	46272	ROBERTO LARREA	TRAVEL MILEAGE EXPENSES	309.96
12/20/2022	46273	MICHAEL LONG	VILLAGE COUNCIL 2022	495.90
12/20/2022	46274	STEVE LUTKE	VILLAGE COUNCIL 2022	595.00
12/20/2022	46275	MML WORKERS COMEPENSATION FUND	PAYROLL AUDIT JULY 2021-2022	245.00
12/20/2022	46276	MORRIS GROUP INTERNATIONAL	WALL MOUNTED BOTTLE FILLER	2,322.11
12/20/2022	46277	MR CLEAN	CLEANING SERVICE OCT 2022	410.00
12/20/2022	46278	PETER OSTROWSKI	2022 PLANNING COMMISSION WAGES (10)	400.00
12/20/2022	46279	PATRICK YODER	VILLAGE COUNCIL 2022	99.10
12/20/2022	46280	INTEGRITY BUSINESS SOLUTIONS	OFFICE SUPPLIES	83.71
12/20/2022	46281	WILLIAM PERKINS	2022 ZBA MEETINGS (3)	120.00
12/20/2022	46282	DONNA POPKE	2022 ZBA MEETINGS (3)	120.00
12/20/2022	46283	SECURITY SANITATION, INC	MARINA-DPW PORTA JOHN DEC 2022	110.00
12/20/2022	46284	FRANK SMITH	2022 PLANNING COMMISSION (13) & ZBA (2)	600.00
12/20/2022	46285	SOS ANALYTICAL	WSSN# 6500 ROUTINE TESTING	445.00
12/20/2022	46286	SONDEE, RACINE & DOREN	GENERAL LEGAL MATTERS NOV 2022	1,188.00
12/20/2022	46287	STEVE FERINGA	2022 PLANNING COMMISSION (13)	520.00
12/20/2022	46288	ROGER H SUPPES	2022 COUNCIL AND PLANNING COMMISSION (14)	1,155.00
12/21/2022	46289	BECKETT & RAEDER	PLANNING SERVICES THROUGH OCT 2022	2,022.50
12/21/2022	46290	CUMMINS BRIDGEWAY, LLC	146 S SHORE ANNUAL MAINTENANCE	3,704.74
12/21/2022	46291	SECURITY SANITATION, INC	BAHLE PARK PORTA JOHN DEC 2022	110.00

Check Date	Check	Vendor Name	Description	Amount
12/28/2022	46292	DTE ENERGY	MULTIPLE ACCOUNTS	119.25
12/28/2022	46293	DTE ENERGY	MUTIPLE ACCTS DEC 2022	1,263.30
12/28/2022	46294	NORTHERN BUILDING SUPPLY, LLC	VARIOUS INVOICES THRU DEC 25, 2022	60.22
12/29/2022	46302	AT&T MOBILITY	CELL PHONE-MULTIPLE ACCTS DEC 2022	497.34
12/29/2022	46303	THREADS	JACKET LOGOS	36.00
12/29/2022	46304	WELLS FARGO FINANCIAL LEASING	CONT #603-0214439-000 DEC 2022	72.92
12/30/2022	18767(E)	PRIORITY HEALTH	GROUP 784340 S001, DEC 2022 PREMIUM RE-I	7,999.86
12/30/2022	18770(E)	FIFTH THIRD BANK	DEC 2022 BANK FEES	66.79
12/30/2022	46295	STANDARD INSURANCE COMPANY	642946 0117, SEPT 2022 PREMIUM	2,010.68
12/30/2022	46301	WEST MARINE	DE ICER & DOCK MOUNT	1,142.98
12/31/2022	18760(E)	ADOBE	MNGR SOFT UPDATE DEC 2022	15.89
12/31/2022	18761(E)	CHARTER COMMUNICATIONS	ACCT# 8245121220023735 665 N FRONT	109.98
12/31/2022	18762(E)	CHARTER COMMUNICATIONS	ACCT# 8245121220017471 326 FRONT	127.98
12/31/2022	18763(E)	CHARTER COMMUNICATIONS	ACCT#8245121220022588 146 S SHORE	182.96
12/31/2022	18764(E)	CHARTER COMMUNICATIONS	ACCT#8245121220019774 420 FRONT	147.97
12/31/2022	18765(E)	MICHIGAN RETAILERS SERVICES	ID# 46597-001 PREMIUM JAN 2023 PD DEC 22	508.55
12/31/2022	18766(E)	PITNEY BOWES	TAX MLLAGE BUDGET HEARING NOTICE	400.00
12/31/2022	46296	LEELANAU ENTERPRISE	ACCT#800909002229933 DEC 2022	617.55
12/31/2022	46297	BRITTANY MECHANICAL	WATER METER SBPS	739.71
12/31/2022	46298	SHAR FAY	REIMBURSEMENT BAHLE WARMING HUT	100.00
12/31/2022	46299	SHELLIA KAIN	REIMBURSEMENT BAHLE RENTAL	100.00
12/31/2022	46300	LEELANAU CTY ROAD COMMISSION	UNLEADED/DIESEL GAS PURCHASES	4,631.27
01/04/2023	18768(E)	STATE OF MI-DEAL	2023 MIDEAL MEMBERSHIP	180.00
01/04/2023	18769(E)	TIME WARNER CABLE	ACUST# 103479401 DEC 2022	127.97
01/04/2023	46305	BRAMER AUTO SUPPLY	CUST# 8571 22IN BEAM/RAIN X	219.77
01/04/2023	46306	ART'S AUTO AND TRUCK PARTS INC	MAINTENANCE SUPPLIES CHEVY 2020	194.45
01/04/2023	46307	BRIGHTSPEED	TELEPHONE SERVICE-MULTIPLE JANUARY 2023	649.31
01/04/2023	46308	BRIGHTSPEED	TELEPHONE SERVICE-MULTIPLE JAN 2023 1522	223.51
01/04/2023	46309	MI ASSOC OF MUNICIPAL CLERKS	2023 MEMBERSHIP FEES-CLERK	75.00
01/04/2023	46310	JACOBS ENGINEERING GROUP, INC	ACCT# 3750916030 JANUARY 2023	14,437.83
01/04/2023	46311	PRIORITY HEALTH	GROUP 784340 2023 JAN PREMIUM	8,900.14
01/04/2023	46312	PURE WATER WORKS	BOTTLED WATER 2-5 GALS	19.50
01/04/2023	46313	STATE OF MICHIGAN -DEQ	NPDES ANNUAL PERMIT FEE, 2023 MIO057638	1,950.00
01/04/2023	46314	MI ASSOC OF MUNICIPAL CLERKS	2023 MAMC CONFERENCE	650.00
01/11/2023	18771(E)	CHERRYLAND ELECTRIC	ACCT# 8364410 JANUARY 2023	203.47
01/11/2023	18772(E)	ADOBE	MNGR SOFTWARE UPDATE JAN 2023	14.99
01/11/2023	18773(E)	GFL ENVIRONMENTAL	1520 RICHTER RD JAN 2022	292.04
01/11/2023	18774(E)	PITNEY BOWES - PURCHASE POWER	ACCT# 8000909002229933 JAN 2023	200.00
01/11/2023	18775(E)	STAPLES	2023 YEARLY DRY ERASE WALL CALENDAR	39.21
01/11/2023	18776(E)	CHARTER COMMUNICATIONS-NATL	ACCT# 103479401 MONTH 2023	127.97
01/11/2023	46315	BRAMER AUTO SUPPLY	CUST# 8571 SHOP SUPPLIES	17.57
01/11/2023	46316	CONSUMERS ENERGY	MULTIPLE ACCOUNTS JANUARY 2023	4,038.27
01/11/2023	46317	DC COLLECTIVE GROCER	WWTIP SUPPLIES	20.97
01/11/2023	46318	ART'S AUTO AND TRUCK PARTS INC	CUST# 20090 LUBE OIL	547.97
01/11/2023	46319	DANBROOK ADAMS RAYMOND	LEGAL MATTERS-EMPLOYEE PERSONNEL MANUAL	650.00
01/11/2023	46320	BOB DOMPIERRE	BAHLE WARMING HUT CLEANING DEPOSIT	100.00
01/11/2023	46321	EMILY MIEZIO	PARTIAL REFUND BAHLE WARMING HUT	75.00
01/11/2023	46322	CINDY ROBB	REFUND DEPOSIT BAHLE RENTAL	100.00
01/11/2023	46323	MISS DIG SYSTEM. INC	2023 MEMBERSHIP FEES	1,098.32
01/11/2023	46324	INTEGRITY BUSINESS SOLUTIONS	OFFICE SUPPLIES-JAN 2023	187.95
01/11/2023	46325	DOROTHY PETROSKEY	OFFICE SUPPLIES	39.36
01/11/2023	46326	LEELANAU CTY ROAD COMMISSION	36 YDS WINTER MIX 5:1 DEC 2022	894.24
01/11/2023	46327	SECURITY SANITATION, INC	MARINA PORTA JOHN-JAN 2023	220.00

GEN TOTALS:

Total of 110 Disbursements:

118,503.84

		VILLAGE OF SUTTONS BAY	
		REPORT VSB -2022-75	
Prepared:	January 3, 2022	Pages:	1 of 2
Meeting:	January 11, 2023	Attachments:	<input type="checkbox"/>
Subject:	PC 2022 Annual Report		

Introduction

This 2022 annual Planning Report was prepared pursuant to the requirements of Section 19(2) of the Michigan Planning Enabling Act, which states:

"A planning commission shall make an annual written report to the legislative body concerning its operations and the status of planning activities, including recommendations regarding actions by the legislative body related to planning and development."

This report is intended to serve as the Planning Commission’s report to the Village Council, as required above, and will also outline the activities of Staff in the 2022 year.

Administration

Staff was responsible for generating 74 reports in 2022, to the Village Council, Village Planning Commission, DDA, and Parks and Recreation Committee. This number has been consistent of the past two years. Routine tasks also include site visits, dialogue with the development community, reviewing and amending the 2018 Village Zoning Ordinance & Zoning Map, continuing work on the new Parks & Recreation plan, Master Plan and applying for and administering grants.

Planning Consultant

The firm of Beckett & Raeder was hired this year to allow the planning commission to continue to work with consultant Sara Kopriva. Sara’s role as a consultant is to work on zoning amendments, special use permits and site plans.

Zoning Administration

Nineteen (19) Land Use Permits were issued this year. Our former Zoning Administrator is no longer with us and we are in the process of evaluating the position. Steve Patmore has graciously agreed to assist us in the interim.

Planning Commission

The Planning Commission meets the second Wednesday of each month and is responsible for reviewing development applications, preparing plans, and advising the Village Council on development matters and zoning amendments. This schedule will continue throughout 2023. In addition, the commission has been scheduling extra meetings per month to work on the Master Plan. This should be finalized this year.

Village Zoning Ordinance

The Village Zoning Ordinance was adopted in 2018; however, as is customary, a number of zoning amendments were adopted this year.

- Discussion began in late last year regarding off premise tasting rooms. It was determined that due to requests from interested wineries/distilleries language would be drafted and discussed in January. A public hearing was held and the Ordinance was amended to allow tasting rooms as a permitted use in the Central Business, North Gateway & South Gateway Districts. In addition, language was added to the definition section for on premise and off premise tasting rooms.
- The planning commission recommended changes to Section 9-2 to allow for non-owner occupied Accessory dwelling units and to increase the size of the accessory dwelling unit from 600 to 800 square feet. The subject is currently before the Village Council.
- A public hearing was held regarding a text amendment to Article 6-2 to include a small distillery, microbrewery and small winery as a permitted use was recommended by the planning commission and forwarded to the Village Council. This recommendation will be before the Village Council in January 2023.
- A public hearing regarding a text amendment to the daycare/Group Home language in the Ordinance was held with the planning commission. The changes were brought to the attention of the planning commission via a statutory amendment made at the legislative level. This recommendation will be before the Village Council in January 2023.

Special Land Use Permits

In January a public hearing was held to approve a request from Hop Lot Brewery LLC to operate a small distillery with a tasting room.

In April of 2022, Harbor Heights Development was back before the planning commission when their previous special land use permit (Planned Unit Development) expired. The planning commission forwarded their recommendation to the Village Council to approve the same.

Conditional Rezone:

The planning commission was presented with a condition rezone request in May of 2022. In July, the applicant withdrew their application. The application was amended and is now back before the planning commission with a public hearing scheduled for January of 2023

Parks & Recreation Plan

The 5-year parks and recreation plan was presented for a 30 day review and public hearing that was held on October 5, 2022. The plan was recommended for adoption to the Village Council at their November meeting. The 2022-2026 plan will be filed with the Department of Natural resources.

Master Plan: The Planning Commission has been working hard this year holding extra meetings focused on the Master Plan. The firm of Giffels and Webster has been guiding the planning commission.

Zoning Board of Appeals:

The zoning board of appeals met three times this year. The first meeting in February 2022 was to approve previous meeting minutes, meeting dates and times and to elect officers. An application for a variance request was received and a meeting held in October where the application was denied. A follow-up meeting was held in November to approve the minutes of the previous meeting.

Conclusion

2023 should prove to be a very busy and exciting year as we anticipate continued work on the Master Plan and sending to a public hearing before year-end.

The following Public Hearing(s) for amendments introduced at the November/December 2022 PC meeting will be held in January 2023:

- A. Text Amendments to the following Sections in the Mixed- Use District and set for public hearing are as follows:
 - 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. Request for a Conditional Rezone at 301 S Shore Dr.

Planning Commission Recommendation – January 11, 2023

The Planning Commission accepted and forwarded the 2022 Annual Report to the Village Council for acceptance at their January 17, 2022 meeting:

VC 2/20/23

To: Suttons Bay Village Council
420 N. Front St; PO Box 395
Suttons Bay, MI 49682

Re: Accessory Dwelling Units

Date: December 14, 2022

From: Fred and Nancy Elmore
337 W. First St; PO Box 692
Suttons Bay, MI 49682

Dear Council Members,

We are pleased that you are considering revisions to the ADU ordinances. We are concerned with Section 9-2(C) regarding owner-occupancy. The current wording reads...**"The owner of the parcel where an accessory dwelling exists shall reside on the property."** The word "exists" seems confusing. We have owned our home for over 30 years and have always had the option to rent it out should we decide to live elsewhere. Does that mean we cannot rent out our home now that an ADU "exists"? I assume the intent was to require owner occupancy if the ADU or the main living area was rented out.

We also own the house at 333 W. First Street and would like to have the option to build an ADU on that parcel. What is the rationale for requiring owner occupancy? Is it to encourage proper maintenance of the parcel? If so, such a concern might be better addressed by an ordinance that requires standards and inspections of all rentals. Or is it a concern for noise and/or unruly behavior? Such issues are usually associated with short term rentals and that is an entirely different topic. An ordinance could require that all ADUs be excluded from short term rental eligibility unless they are owner occupied.

ADUs are an easy way to increase our supply of affordable housing. The option to build and rent out an ADU without owner occupancy but with appropriate regulations would be much appreciated by property owners, those who need affordable housing and the tax collector.

Thank you for your continued efforts to keep our community safe and viable.

Sincerely,

Fred and Nancy Elmore

I've asked that this letter be read to you because I'm in Kampala, Uganda, where I operate a non-profit in the Ggaba slums. Our mission is to build a residential community because we know that it "takes a village" to garner the support members of a community need to be healthy and productive.

That is also true in the village of Suttons Bay. We are sought out because of the work residents have accomplished to create beautiful trails, parks, marinas, a shopping district with art galleries, shops, restaurants and essential services. These accomplishments were achieved because of the tenacity, vision and hard work of the elected officials and a plethora of **local** volunteers all of whom live here and take pride in their local community. So why discourage residency by changing an owner occupancy ADU ordinance that works seamlessly already but discourages residency?

There are four owner-occupied ADUs in my neighborhood. Two are short term and two are long term. The owners of these properties are respectful of their neighbors' privacy and quality of life by maintain their properties and enforcing the existing rules. The owners of these properties also participate in our community in a meaningful way. Why tempt the fates by abolishing a relationship that already works?

When the chair of the housing action committee writes in support of ADUs she says, "Adding an ADU can be a second source of income creating more stability for the **existing homeowner** to stay in the community" That is 100% true. Notice the emphasis on "**existing homeowner**." The emphasis isn't on the corporate entity that sees an opportunity to buy up homes in our neighborhoods, add a second story and create duplexes. She also writes, "ADUs, sometimes called granny flats or back yard cottages, offer an increased supply and variety of housing types. Older adults looking to downsize, seniors with fixed incomes, lower- and middle-income households, multi-generational households can be accommodated." Again, the emphasis is on the advantage to the **resident homeowner** wishing to accommodate the aging parent, the college graduate who is still finding their way, or all the out-of-town company. And, if they can rent it occasionally to supplement their income another win for them.


I think the council scored a win-win by their recent work on the STR issue. Everyone on the planning commission, village council, and the private investors who own an STR prevailed. Those wishing to see a cap prevailed too.

I presented you with the signatures of almost the exact number of residents as those who prevailed with STRs, who are not in support of non-owner occupied ADU residences. Now it's their turn for a win by not changing the owner occupancy ordinance we have in place now.

Thank you for your consideration.

Sincerely,

Judy Yoder

		VILLAGE OF SUTTONS BAY	
		REPORT VSB -2023-06	
Prepared:	January 10, 2023	Pages:	1 of
Meeting:	January 17, 2023	Attachments:	<input type="checkbox"/>
Subject:	Article 6-2 Amendment		

PURPOSE

To inform the VC of a recommendation by the PC to adopt an amendment to the language in Article 6-2 allowing for small distilleries, small winery and microbreweries as a permitted use in the Warehouse District.

OVERVIEW

The applicant requested an amendment to the Warehouse District Article 6-2 to allow for small wineries, small distilleries and microbreweries to be allowed a permitted use. See enclosed report from Sara Kopriva, Village Planner.

The Village Planning commission at their December 14, 2022 Regular meeting recommended that the Village Council adopt the requested changes to Article 6-2 of the Village Ordinance Table of Uses.

ACTION REQUESTED

MOTION THAT- AMENDMENT NO. Z-2023-01 (AMENDMENT 7 OF ORDINANCE 2 OF 2018) TO AMEND ARTICLE 6-2 TABLE OF USES TO INCLUDE SMALL DISTILLERIES, SMALL WINERIES AND MICROBREWERIES AS A PERMITTED USE IN THE WAREHOUSE DISTRICT.

Date: November 1, 2022
From: Sara Kopriva, AICP
To: Suttons Bay Planning Commission

RE: Small Distilling, Small Wine Making, and Micro-Brewery Amendment

 initiative

Action: Motion to schedule a public hearing at the next regular Planning Commission meeting.

The village has received an application for a Zoning Ordinance text amendment changing the regulations to related to brewing, wine making, and distilling establishments. The proposed Zoning Ordinance text amendment would amend Table 6-2, Schedule of Uses, to list micro-brewery, small wine making, and small distillery establishments as a permitted use (P) in the Warehouse/Industrial district.

OVERVIEW

The Village of Suttons Bay currently distinguishes small distillery, small wine making and micro-brewery uses from larger establishments by limiting their production capacity to limits set by Michigan statutes.

The village’s respective definitions for small distillery, small wine making and micro-brewery are provided below.

Distillery, Small *Means a facility operated by a distiller duly licensed by the State of Michigan Liquor Control Commission (MLCC) to manufacture spirits within the limits established by the State of Michigan for a Small Distiller.*

Wine Making, Small *Means an operation where wine is manufactured and sold at wholesale or retail, duly licensed by the State of Michigan Liquor Control Commission (MLCC) as a Small Wine Maker, which manufactures or bottles wine within the limits established by the State of Michigan for a Small Wine Maker.*

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
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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

Micro-Brewery

Means an establishment that bottles ales, beers, meads, and/or similar beverages that is duly licensed by the state of Michigan Liquor Control Commission (MLCC) as a micro brewer and sells to wholesalers, consumers for on-premises consumption and may offer free samples to consumers.

 initiative

State of Michigan limits annual production for small distilleries to 60,000 gallons of spirits, small wine makers to 50,000 gallons of wine, and micro-breweries to 60,000 gallons of beers.

While the WI district permits larger distillery, wine making and brewery uses, it does not allow smaller such establishments, which have grown in popularity and serve as a restaurant and retail destination within communities.

The Zoning Ordinance text amendments are shown below. Proposed additions below are shown in underline.

Proposed Changes in Permitted Uses

6-2 Schedule of Uses

INDUSTRIAL, MANUFACTURING, ASSEMBLY	SB	WI
Brewery		P
Distillery		P
Distillery, small	<u>P</u>	<u>P</u>
Manufacturing, processing and packaging- light		P
Manufacturing, processing and packaging- heavy		SLU
Micro-brewery	<u>P</u>	<u>P</u>
Mini-warehouse		P
Salvage operations		SLU
Warehousing, under 5,000 square feet	<u>P</u>	P
Warehousing, 5,000 to 10,000 square feet	<u>SLU</u>	P
Wholesale and distribution		SLU
Winery	<u>P</u>	P
Winery, small	<u>P</u>	<u>P</u>

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 regulating the location and manner of brewing, winery and distilling establishments is to protect the health, safety and welfare of residents and the effects of the uses on adjacent properties and neighborhoods. The proposed text amendment would better clarify the type of use proposed establishments based on the production limits set by Michigan statutes.

i
initiative

2. The proposed text amendment would correct an error or oversight in the ordinance.
The amendment would correct an error or oversight, by creating specific allowances for smaller brewers, wine makers and distillers based on production limits in all commercial and industrial zoning districts.

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 is in compliance with state regulations relating to small distillery, small wine making, and micro-brewery establishments and annual production limits.

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 will add uses currently permitted within the district, but with production capacity, that will also serve as retail destinations consistent with the intent and character of the district and its range of uses.

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

The proposed uses will not create incompatible land uses within the zoning district or 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.

The proposed use is similar to existing uses allowed in the district, no additional reports or studies are required.

 initiative

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

It is not anticipated that public facilities and services should be impacted by the proposed change.

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 amendment permits micro-brewing, small wine making, and micro-distilling while limiting the proposed uses to the production limitations by the State of Michigan, which protects public health, safety, and welfare.



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: Drew Luthe

Address: 4209 Cedar Run Road, Traverse City 49684

Phone: 616 886 4457 E-mail: Drew@hoplotbrewing.com

Name of Agent: _____

Address: _____

Phone: _____ E-mail: _____

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

B. PURPOSE OF APPLICATION

Section(s) reference: 6-2 Table of Uses

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

see Attached (1.)

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).

see Attached (2.)

C. SIGNATURE:

[Signature] 10/2/22
Applicant Signature Date

Agent Signature Date

rev'd 10-3-20
pd \$1,000
cl# 17467

Purpose of Application

1. Property was purchased in the Warehouse/Industrial zoning district for the unique opportunities it offers for the continued growth and organization of our business. We are currently licensed by the State of Michigan as a Micro Brewer, Small Wine Maker, and have an approved Small Distiller license pending our final buildout. These licenses offer the same product manufacturing and tasting room permitting options as their larger counterparts (Brewer, Wine Maker, and Distiller, respectively), but differ slightly in that the State of Michigan limits our smaller licensed entities annual production capacities. While the current zoning text permits the 'larger' uses with the maximum annual production potential (Distillery, Winery, Brewery), there is no language to permit those same, but limited annual production potential uses (Small Distillery, Small Winery, Microbrewery). It is also important to note that none of the State defined licenses mentioned here have minimum annual production requirements, only maximum, i.e; a Distiller could manufacture less than a Small Distiller annually, but a Small Distiller will never have the maximum manufacturing limits as its counterpart.
2. Amend Table 6-2 Schedule of Uses: Commercial and Industrial Districts, to include Permitted Use (P) for Small Distillery, Microbrewery, and Small Winery.



Michigan Department of Licensing and Regulatory Affairs
Liquor Control Commission (MLCC)
Constitution Hall – 525 W. Allegan, Lansing, MI 48933
Mailing Address: PO Box 30005, Lansing, MI 48909
Toll Free 866-813-0011 – www.michigan.gov/lcc

Brewer or Micro Brewer Licensing Requirements & General Information

A Brewer license, as defined by MCL 436.1105(14), is issued by the Michigan Liquor Control Commission to a person located in Michigan to manufacture and sell to licensed wholesalers, beer produced at the licensed brewery facility, and to customers for consumption on or off the premises at a tasting room located on its manufacturing premises where it also holds an On-Premises Tasting Room Permit.

A Micro Brewer license, as defined by MCL 436.1109(5), is issued by the Commission to a person located in Michigan to manufacturer no more than 60,000 barrels per year and sell to licensed wholesalers, beer produced at the licensed brewery facility, and to customers for consumption on or off the premises at a tasting room located on its manufacturing premises where it also holds an On-Premises Tasting Room Permit. A qualified Micro Brewer licensee that manufactures fewer than 1,000 barrels a year may also self-distribute its beer to retailer licensees.

State of Michigan Definitions

MCL 436.1105(14) "Brewer" means a person located in this state that is licensed to manufacture beer and sell at retail in accordance with section 537 and to licensed wholesalers beer manufactured by the person.

MCL 436.1109(5) "Micro brewer" means a brewer that manufactures in total less than 60,000 barrels of beer per year and that may sell the beer manufactured to consumers at the licensed brewery premises for consumption on or off the licensed brewery premises and to retailers as provided in section 203a. In determining the 60,000-barrel threshold, all brands and labels of a brewer, whether manufactured in this state or outside this state, must be combined and all facilities for the manufacturing of beer that are owned or controlled by the same person must be treated as a single facility.

Suttons Bay Village Zoning Ordinance Definitions

BREWERY means a facility that brews ales, beers, meads, and/or similar beverages that is operated by a brewer duly licensed by the State of Michigan Liquor Control Commission (MLCC) which manufactures and sells beer to licensed wholesalers or to consumers for on-premises consumption and/or off-premises consumption and may offer free samples to consumers.

MICRO-BREWERY means a facility that brews ales, beers, meads, and/or similar beverages that is duly licensed by the State of Michigan Liquor Control Commission (MLCC) as a micro brewer and sells to wholesalers, consumers for on-premises consumption and/or off-premises consumption and may offer free samples to consumers.



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Wine Maker or Small Wine Maker Licensing Requirements & General Information

A Wine Maker license, as defined by MCL 436.1113(10), is issued by the Michigan Liquor Control Commission to a person located in Michigan to manufacture and sell to licensed wholesalers or self-distribute to retailer licensees, wine produced at the licensed winery facility, and to customers for consumption on or off the premises at a tasting room located on its manufacturing premises where it also holds an On-Premises Tasting Room Permit. A Wine Maker licensee may also sell wine it manufactures at an approved tasting room off the manufacturing premises under an Off-Premises Tasting Room License or Joint Off-Premises Tasting Room License.

A Small Wine Maker license, as defined by MCL 436.1111(12), is issued by the Commission to a person located in Michigan to manufacture no more than 50,000 gallons per year and sell to licensed wholesalers or self-distribute to retailer licensees, wine produced at the licensed winery facility, and to customers for consumption on or off the premises at a tasting room located on its manufacturing premises where it also holds an On-Premises Tasting Room Permit. A Small Wine Maker licensee may also sell wine it manufactures at an approved tasting room off the manufacturing premises under an Off-Premises Tasting Room License or Joint Off-Premises Tasting Room License.

State of Michigan Definitions

MCL 436.1113(10) "Wine maker" means a person licensed by the commission to manufacture wine and to sell that wine to a wholesaler, to a consumer by direct shipment, at retail on the licensed winery premises, to sell that wine to a retailer, and as provided for in section 537.

MCL 436.1111(12) "Small wine maker" means a wine maker manufacturing or bottling not more than 50,000 gallons of wine in 1 calendar year. A small wine maker is not required to bottle wine it manufactures.

Suttons Bay Village Zoning Ordinance Definitions

WINERY means an operation where wine is manufactured and sold at wholesale or retail.

WINERY, SMALL means an operation where wine is manufactured and sold at wholesale or retail, duly licensed by the State of Michigan Liquor Control Commission (MLCC) as a Small Wine Maker, which manufactures or bottles wine within the limits established by the State of Michigan for a Small Wine Maker.



Michigan Department of Licensing and Regulatory Affairs
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Constitution Hall – 525 W. Allegan, Lansing, MI 48933
Mailing Address: PO Box 30005, Lansing, MI 48909
Toll Free 866-813-0011 – www.michigan.gov/lcc

Distiller or Small Distiller Licensing Requirements & General Information

A Distiller license, also referred to as a Manufacturer of Spirits license, as defined by MCL 436.1107(8), is issued by the Michigan Liquor Control Commission to a person located in Michigan to manufacture spirits produced at the licensed distillery facility, to sell those spirits to the Commission for the sale and distribution through Authorized Distribution Agents (ADAs) to retailer licensees, and to sell its spirits to customers for consumption on or off the premises at a tasting room located on its manufacturing premises where it also holds an On-Premises Tasting Room Permit. A Distiller licensee may also sell spirits it manufactures at an approved tasting room off the manufacturing premises under an Off-Premises Tasting Room License or Joint Off-Premises Tasting Room License.

A Small Distiller license, as defined by MCL 436.1111(11), is issued by the Commission to a person located in Michigan to manufacture no more than 60,000 gallons of spirits per year, to sell those spirits to the Commission for the sale and distribution through Authorized Distribution Agents (ADAs) to retailer licensees, and to sell its spirits to customers for consumption on or off the premises at a tasting room located on its manufacturing premises where it also holds an On-Premises Tasting Room Permit. A Distiller licensee may also sell spirits it manufactures at an approved tasting room off the manufacturing premises under an Off-Premises Tasting Room License or Joint Off-Premises Tasting Room License.

State of Michigan Definitions

MCL 436.1107(8) - "Distiller" means a person licensed to manufacture and sell spirits or alcohol, or both, of any kind.

MCL 436.1111(11) "Small distiller" means a manufacturer of spirits annually manufacturing in this state not more than 60,000 gallons of spirits, of all brands combined.

Suttons Bay Village Zoning Ordinance Definitions

DISTILLERY means a facility operated by a distiller duly licensed by the State of Michigan Liquor Control Commission (MLCC) to manufacture spirits.

DISTILLERY, SMALL means a facility operated by a distiller duly licensed by the State of Michigan Liquor Control Commission (MLCC) to manufacture spirits within the limits established by the State of Michigan for a Small Distiller.


Section 6-2

Table of Uses

Buildings or land shall not be used and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this ordinance. Land and/or buildings in the districts indicated at the top of Table 6-2 may be used for the purposes denoted by the following abbreviations:

- A. *Permitted Use (P)*. The use may be established by right on land and/or within buildings in the applicable zoning district, subject to all other applicable provisions of this ordinance.
- B. *Special Land Use (SLU)*. The use is subject to discretionary review by the Planning Commission.
- C. *Specific Conditions*. Indicates requirements or conditions that are applicable to specific uses.

Table 6-2 Schedule of Uses: Commercial and Industrial Districts			
Use	SB	WI	Specific Conditions
ACCESSORY USES			
Accessory building	P	P	Section 2-3
Outdoor storage related to a principal use	SLU	P	Section 9-8
Temporary outdoor accessory sales	SLU		Section 9-12
ACCOMMODATIONS, HOSPITALITY, ENTERTAINMENT			
Banquet hall	P		
Ecotourism	P		
Restaurant	P		
Restaurant with microbrewery	P		
Restaurant with outdoor dining	P		Section 9-3
Recreation facility, commercial indoor	P		
Recreation facility, commercial outdoor	P		
INDUSTRIAL, MANUFACTURING, ASSEMBLY			
Brewery		P	
Distillery		P	
Distillery, small	P	P	
Manufacturing, processing and packaging- light		P	
Manufacturing, processing and packaging- heavy		SLU	
Micro-brewery	P	P	
Mini-warehouse		P	
Salvage operations		SLU	
Warehousing, under 5,000 square feet	P	P	
Warehousing, 5,000 to 10,000 square feet	SLU	P	
Wholesale and distribution		SLU	
Winery		P	
Winery, small	P	P	
INFRASTRUCTURE, TRANSPORTATION, COMMUNICATIONS			
Essential service		P	Section 2-8
Infrastructure and utilities- regional		SLU	
Parking facility, public or commercial		P	
Waste management facility		SLU	
Wireless communications		SLU	Section 9-13
INSTITUTIONAL/CIVIC			
Community oriented cultural facility			
Community public safety		P	
Meeting facility			
Parks, playgrounds, outdoor recreation areas			
Recreation facility, community based			
School, specialized/training		P	
OFFICES AND SERVICES			
Animal services, animal clinic/hospital			

		VILLAGE OF SUTTONS BAY REPORT VSB -2023-05	
Prepared:	January 10, 2023	Pages:	1 of
Meeting:	January 17, 2023	Attachments:	<input type="checkbox"/>
Subject:	Daycare Language Amendment		

PURPOSE

To inform the VC of a recommendation by the PC to adopt an amendment to the language regarding Daycares.

OVERVIEW

Public Act 106 of 2022 (HB 5041) signed by the Governor on June 13, 2022 amended the Child Care Licensing Act to state that a family home provider will be eligible to serve seven (7) children, instead of six (6) , and a group home provider will be eligible to serve fourteen (14), children, instead of twelve (12). The current language referenced in the Village of Suttons Bay Zoning Ordinance is below. The changes to the Act are reflected in bold and italicized below.

The Day Care language in the Ordinance is found in the definition section of the Ordinance specifically page 20-20.


RESIDENTIAL

1. DAY CARE (CHILDREN)

- a. **FAMILY DAY CARE HOME** means a private home in which one, but fewer than ~~seven~~ *eight* minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Family day care homes include a home in which care is given to an unrelated minor child for more than four weeks during a calendar year.
- b. **GROUP DAY CARE HOME** means private home in which more than ~~six~~ *seven* but not more than ~~twelve~~ *fourteen* minor children are given care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. A group day care home includes a home in which care is given to an unrelated minor child for more than four weeks during a calendar year.

ACTION REQUESTED

MOTION THAT- AMENDMENT NO. Z-2023-02 OF (AMENDMENT 8 OF ORDINANCE 2 OF 2018) TO AMEND THE DEFINITION(S) RELATING TO DAY CARE (CHILDREN) IN THE ZONING ORDINANCE BE AMENDED AS PRESENTED.

		<h1>VILLAGE OF SUTTONS BAY</h1>	
		<h2>REPORT VSB -2023-02</h2>	
Prepared:	January 10, 2023	Pages:	1 of 1
Meeting:	January 17, 2023	Attachments:	<input checked="" type="checkbox"/>
Subject:	Waterwheel Cost Estimate Discussion		

PURPOSE

To inform the Village Council of the Committee recommendation and seek direction.

OVERVIEW

Attached are the two waterwheel estimates requested by the Village Council. For the purpose of this report, the cost estimates will be referred to as “Plan A” and “Plan B”. These estimates were discussed at the General Service Committee meeting on January 3, 2023. The consensus of the committee was to move forward with Plan B and creating something new for the future.

Plan A – Waterwheel reconstruction – Restore the Past.

Machin Engineering works closely with Federal and State agencies on projects such as dam analysis and reconstruction. A cost estimate to reconstruct the waterwheel structure, fix the stream and re-route the stream to flow over the structure is before you for consideration. That cost is approximately \$266,340.

Plan B – Creek Restoration - A New Beginning.

GEL, an environmental engineering firm who works closely with communities, non-profits, the Grand Traverse Band and State of Michigan on creek restoration. The cost estimate for consideration would forgo replacing the waterwheel structure and create a cascading creek. That cost is approximately \$169,684

STAFF COMMENT

As you are aware, we are currently on a timeframe with the State of Michigan to provide them with a decision, direction and drawings, so we can move this project forward this Spring. Although we cannot say for sure if we could secure grant dollars, these types of restoration projects (Plan B) are more apt to be considered for funding than would Plan A.

ACTION REQUESTED

If the village council agrees with the recommendation of the General Service Committee, a motion would be appropriate.



Machin Engineering, Inc.
 2301 N Garfield Rd, Suite C
 Traverse City, MI 49686
 ph 855.935-1530
 www.machinengineering.net

A.

OPINION OF PROBABLE CONSTRUCTION COST
Village of Suttons Bay
WATER WHEEL STRUCTURE REPLACEMENT
December 21, 2022

Item No.	Item Description	Unit	Qty.	Unit Cost	Cost
Demolition and Excavation					
1	Mobilization & Demobilization	LS	1	\$9,000.00	\$9,000.00
2	Silt Fence	LS	1	\$1,000.00	\$1,000.00
3	Earth Excavation	CY	200	\$35.00	\$7,000.00
4	Dewatering	LS	1	\$15,000.00	\$15,000.00
5	Crushed Stone Base	CY	40	\$90.00	\$3,600.00
6	Backfill, MDOT Class II, CIP	CY	130	\$20.00	\$2,600.00
7	Remove and Restore Temporary Stream Area	LS	1	\$7,500.00	\$7,500.00
8	Topsoil, Seed, and Mulch	SY	900	\$6.00	\$5,400.00
9	Relocate Power Pole & Service	LS	1	\$12,000.00	\$12,000.00
SUBTOTAL:					\$63,100.00
New Structure					
11	Reinforced Concrete Retaining Wall	LF	39	\$1,500.00	\$58,500.00
12	Concrete Slab, 6"	SF	540	\$25.00	\$13,500.00
13	Stream Bank Restoration	LF	80	\$150.00	\$12,000.00
14	Stream Channel Hand Form	LF	32	\$320.00	\$10,240.00
15	Overflow Structure	LS	1	\$1,200.00	\$1,200.00
16	Waterwheel Structure (not i/c wheel)	LS	1	\$6,600.00	\$6,600.00
17	Observation Deck	LS	1	\$26,000.00	\$26,000.00
18	Rip-Rap Stone, 18"-24"	CY	20	\$200.00	\$4,000.00
19	Disconnect & Reconnect Site Electrical	LS	1	\$3,500.00	\$3,500.00
20	Site Lighting	LS	1	\$10,000.00	\$10,000.00
SUBTOTAL:					\$145,540.00
SUBTOTAL:					\$208,640.00
20% CONTINGENCIES:					\$41,700.00
CIVIL & STRUCTURAL ENGINEERING FEES:					\$16,000.00
TOTAL ESTIMATED PROJECT COST:					\$266,340.00

- Costs for engineering, surveying, permit fees, etc. are not included in the estimate.
- Costs for financing, land, right-of-way, easement acquisition, and permit fees are not included in this cost estimate.
- This cost estimate is approximate. Actual construction bids may vary significantly from this statement of probable costs due to timing of construction, changed conditions, labor rate changes, or other factors beyond the control of Machin Engineering, Inc.
- Clean backfill sand to be provided by the Village. Material costs are not included in the estimate, labor and equipment only for the placements and compaction. Costs for disposal of excavated materials and debris is provided in the estimate. Disposal by the Village.
- Engineering fees do not include electrical engineering or construction administration services.



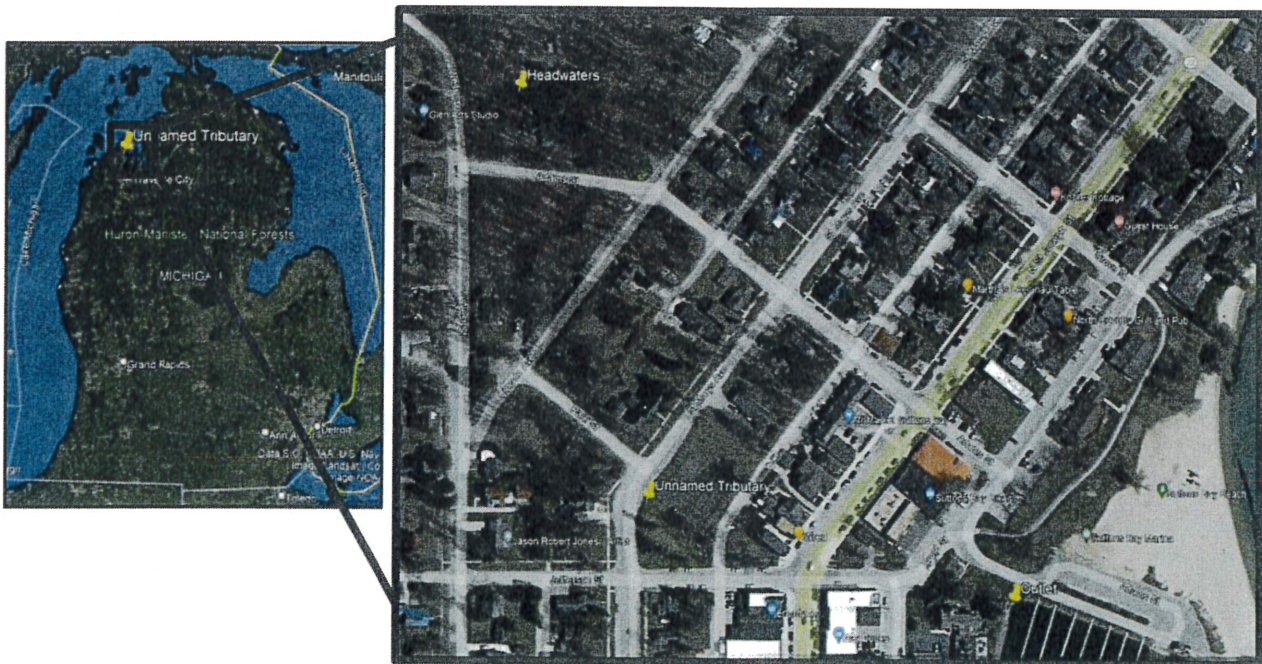
Design Memorandum

To: Mr. Rob Larrea
From: Dan DeVau, PE
Date: November 30, 2022
Re: Stream Restoration Conceptual Design
 Suttons Bay Stream Restoration
 Suttons Bay, MI
 GEI Project No. 2204115

This memo summarizes the design methodology and conceptual design completed by GEI Consultants Inc. (GEI) for the referenced project located in Suttons Bay, MI.

Project Information

GEI was contracted by the Village of Suttons Bay to assist in the restoration of a section of an unnamed spring-fed tributary that commences just north of Adams St and extends to an outlet into Suttons Bay. GEI's goal was to develop a conceptual design for the restoration of the stream section located between St Mary's Ave and an alley where a water-wheel was previously located. The water-wheel structure and its associated appurtenances have been removed and feasibility of replacement versus restoration is currently under evaluation.



Data Collection

GEI staff completed a site visit and site survey on October 31st, 2022. The site visit included walking the entirety of the tributary from the outlet into Suttons Bay, upstream to the headwaters to establish an understanding of the contributing watershed. Photos from the site visit are included in the appendices. Stream elevations from within the existing channel geometry were collected in the project area using a Trimble R6 GPS System. Existing survey data was obtained from Machin Engineering and was combined with the GEI survey data to create the working surface for the conceptual design.

Hydrology and Hydraulics

Based on our observations and measurements obtained during our site visit and a cursory review of existing LIDAR elevation contours (FEMA 2015), the contributing watershed to the culvert located at the alley was estimated to be about 5.2 acres assuming there is no culvert conveying water under West St. (none observed during site visit). The source of the majority of flow within the stream can be attributed to spring features present within the vicinity of the headwaters. Based on the relatively small watershed area and the contributing groundwater presence the stream is considered a stable system with low hydrologic flashiness. Land use and soil types for the watershed were determined to support understanding of hydrologic and hydraulic processes within the tributary and to identify appropriate restoration design. The watershed land use is primarily 1 acre residential with type A soils (USDA 2003). Type A soils are well draining, sandy soils with high infiltration rates that limit runoff volume during rain events. A cursory hydraulic analysis was performed assuming a curve number of 51 which estimated the 100-year flood flow to be 16 cubic feet per second (cfs). This low flood flow to base flow ratio is indicative of a hydrologically stable system.

Existing Conditions

The existing stream runs about 190 feet in length within the project reach from the culvert under N St. Mary's Street to the culvert located under the alley. The average slope is about 6% which is relatively steep. During our visit on October 31st, 2022, the existing stream was recently rerouted beginning 80 feet downstream from the culvert under N St. Mary's St to the culvert at the alley (Figure 1). The stream was temporarily rerouted due to the deterioration of the water wheel and ongoing erosion concerns. The rerouted section was covered with geotextile fabric and held in place with cobbles and sandbags.



Figure 1. Stream reroute. Photo taken on 10/31/2022.

Design Approach and Recommendations

The proposed stream design was broken into two separate reaches due to the variation of slope from the upper 80 feet (3%) to the lower 110 feet (10%). The classification system developed by Dr. Dave Rosgen for confined and unconfined valleys and stream types A through G was used to develop the appropriate design criteria (Figure 2).

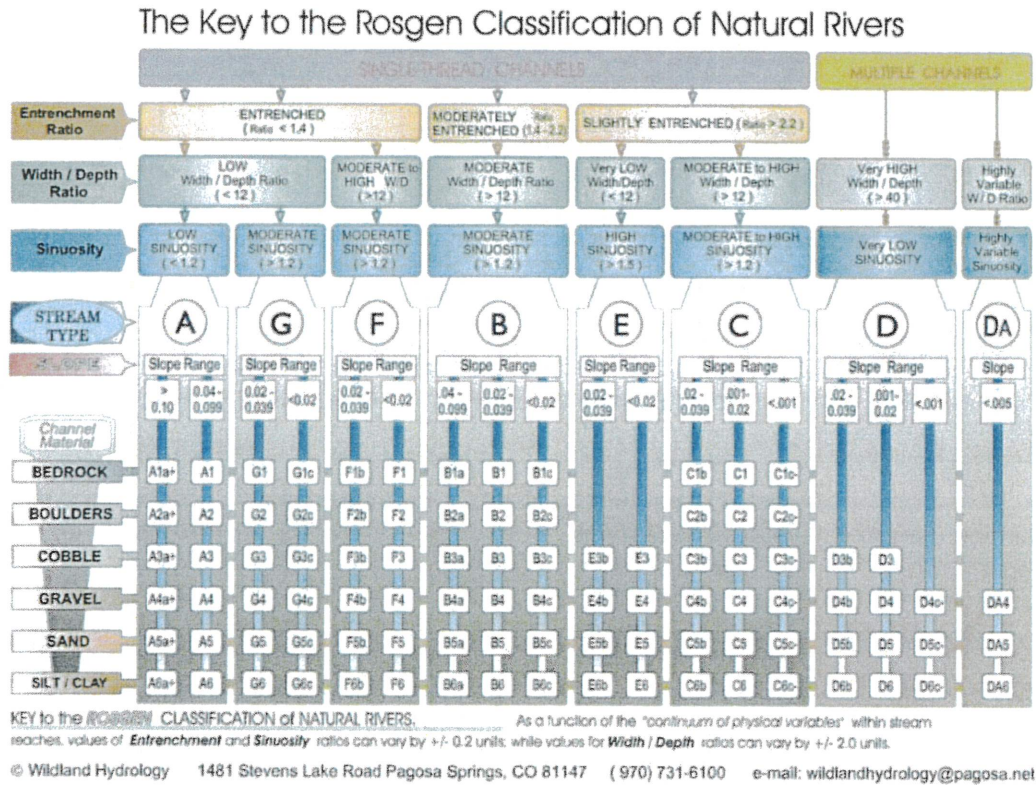


Figure 2. Rosgen classification system (Rosgen, 2019).

The first reach was designed to meet the characteristics of a C type channel. The channel is single-thread and slightly entrenched. The recommended design has a Width/Depth (W/D) ratio narrower than 12 to allow the channel to widen naturally. In order to decrease the current slope, the reach was designed with meanders to increase the wetted length of the channel, resulting in a sinuosity of 1.49. To dissipate stream energy in a stable manner, the conceptual design incorporates shallow riffles and deeper pools to hydraulically control flows. Riffles and pools naturally occur in stable river systems, and enhance the aesthetic value of the stream by adding visual interest. Channel geometry was determined through a hydraulic and hydrologic evaluation based on observed flow depth and approximated bankfull flow. The recommended geometry within the meander section based on this analysis is about 6 inches in depth and 4 feet wide.

The second reach was designed as a B type channel due to the higher slope. The channel is single-thread and moderately entrenched. As with the meander section, the recommended design has a W/D ratio narrower than 12 to allow the channel to widen naturally. The channel sinuosity is 1.16. To convey the flow down a steeper slope while maintaining channel stability, a cascade designed with rock steps and pools is recommended. Similarly to the converging rock clusters, rock steps and pools in the cascade section would provide grade control and energy dissipation (Rosgen 2019). Additionally, the cascades will create falling water down each of the placed rocks, which makes for a visually and aurally appealing experience for park users which may provide a similar atmosphere that was created by the waterwheel. Based on the hydraulic and hydrologic evaluation, the recommended channel geometry within the cascade section will be about 6 inches in depth overall but will vary

based on rock placement. Pool depths are estimated to be one foot or greater to allow adequate energy dissipation. The width of the channel should be designed to approximately 4 feet.

Throughout the entirety of the project reach, the floodplain bench is recommended to be a non-mowed area vegetated with native plant species to provide a riparian buffer zone between the stream and surrounding watershed that provides flood conveyance and water quality enhancement through pollution filtration. Additionally, this deeper-rooted vegetation will help to provide increased stability of the stream banks and reduce erosion potential. The conceptual design plans reflect the referenced buffer zone and are provided in the appendices.

For the stream reach between the alley and Front Street, the ideal channel geometry recommended is a bankfull width between 3 and 4 feet with a depth of approximately 6 inches. The floodplain width is recommended to be at least twice the length of the bankfull width. As with the project reach, the floodplain bench is recommended to be a non-mowed area with native vegetation.

Cost Estimate

A preliminary design cost was estimated based on estimated quantities of materials, labor, maintenance, and other construction activities. A contingency of 30% was included in the final estimated cost for the project of \$169,684. As with any cost estimate, unit rates may vary based on timing of construction and locally provided contractors and materials.

Engineers Opinion of Probable Cost					
	Bid Item Description	Estimated Qty	Unit	Unit Cost	Total
1	Mobilization General	1	LS	\$ 20,000	\$20,000
2	Soil Erosion/ Sediment Control	1	LS	\$ 10,000	\$10,000
3	Dewatering during construction	1	LS	\$ 21,000	\$21,000
4	Clearing and Grubbing	0.18	AC	\$ 25,000	\$4,500
5	Excavation	140	CY	\$ 20	\$2,800
6	Granular filter (.25"-4" stone)	15	CY	\$ 80	\$1,200
7	Armor Stone (MDOT Heavy)	40	CY	\$ 142	\$5,680
8	Boulders (D50 = 3')	55	TON	\$ 100	\$5,500
9	Site Restoration	1	AC	\$ 10,000	\$10,000
10	Soil Wrap/Bioengineered Lifts	150	LF	\$ 40	\$6,000
				Subtotal	\$86,680
				Contingency (30%)	\$26,004
				Subtotal	\$112,684
				Engineering Design	\$40,000
				Construction Oversight	\$17,000
				Total	\$169,684
Unit Definitions: LS=Lump Sum, AC=Acre, TON = ton, CY=Cubic Yard, LF = Linear Foot					

Table 1. Conceptual Level Cost Estimate.

Appendices

Site photographs and conceptual design plans are attached.

We thank you for the opportunity to serve the Village of Suttons Bay. Please let us know if we can assist you in any other way. If you have any questions regarding the memorandum, please feel free to contact me at 616-915-7013 or ddevaun@geiconsultants.com.

Sincerely,



Dan DeVaun, PE
Senior Project Manager



Brad Parlato, PE
Vice President

[author initials : admin initials]

B:\Working\VILLAGE OF SUTTONS BAY\2204115 Suttons Bay Stream Restoration\00_CAD\Engr Analysis\11302022 Conceptual Design Memo

References

Federal Emergency Management Agency (FEMA). (2015). 2015 FEMA Lidar: Michigan Part 2 (Alger, Benzie, Delta, Grand Traverse, Leelanau, Mackinac, Manistee Counties).

Rosgen, Dave. (2019). Applied River Morphology. Wildland Hydrology.

United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS). (2003). Soil Survey Geographic Database. Leelanau County, Michigan (MI089).

Photo Log



Photo 1. Looking upstream from alley at former water wheel location and relocated channel.



Photo 2. Beginning of stream reroute.



Photo 3. Downstream culvert inlet.



Photo 4. Upstream project reach near St. Mary's Street.

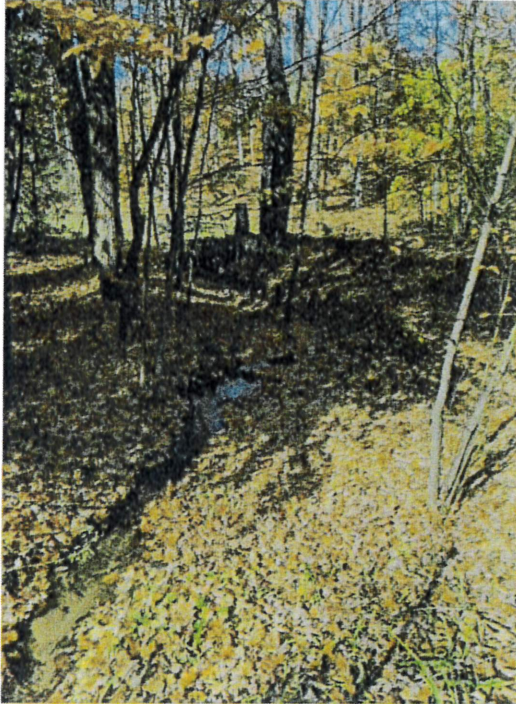
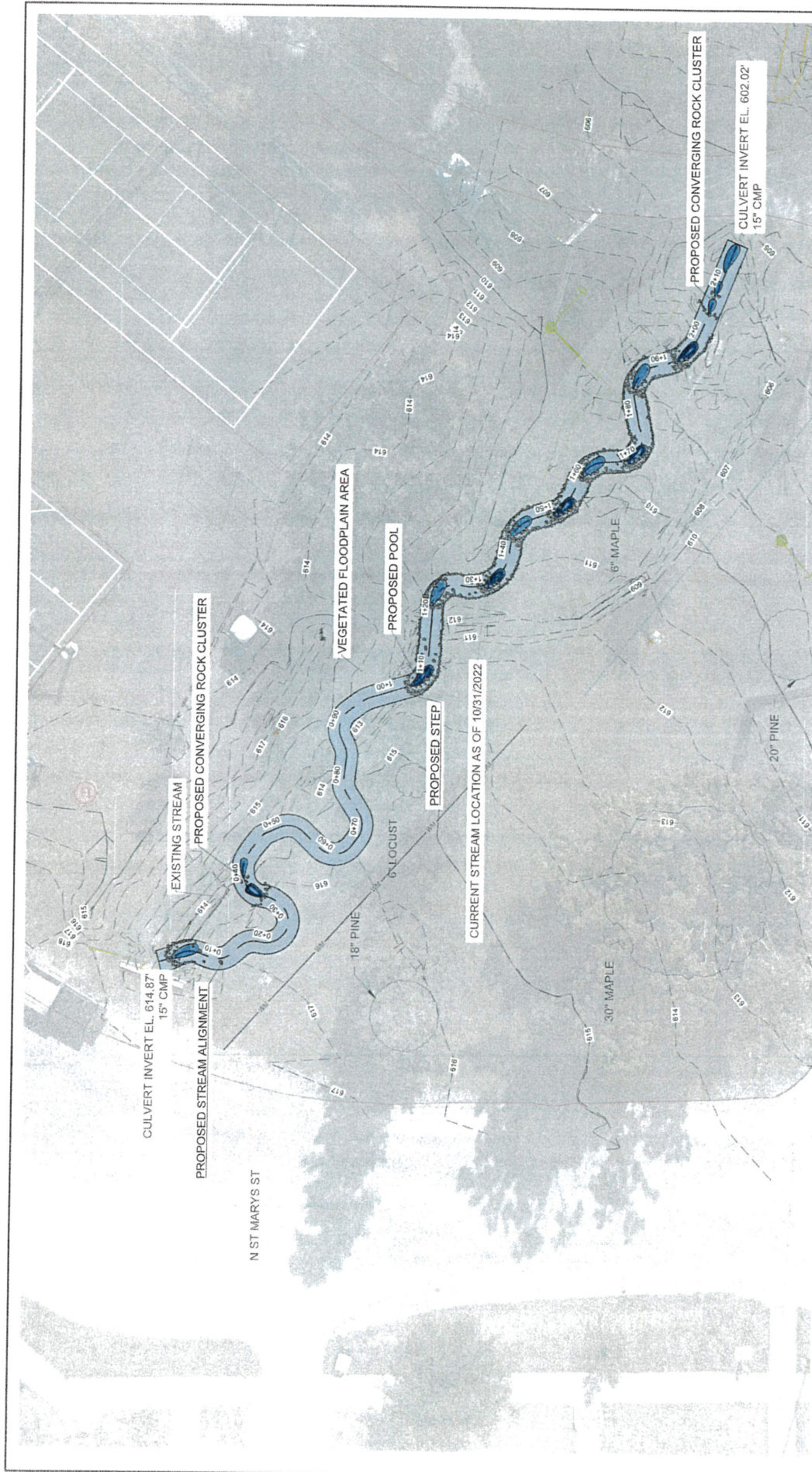


Photo 4. Tributary upstream of project area (West of St. Mary,s Street).



Photo 5. Tributary downstream of project area (east of M-22).



PRELIMINARY

SHEET NO. *****

C-01 CONCEPTUAL PLAN VIEW

<p>SUTTONS BAY STREAM RESTORATION</p> <p>VILLAGE OF SUTTONS BAY</p> <p>SUTTONS BAY LEELANAU COUNTY, MICHIGAN</p>	<p>NO. DATE</p> <p>0 11/21/2022 PRELIMINARY PLAN ISSUEREVISION</p>
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Designed: SHP	MLF	<p>DRAFT</p>
Drawn:	MLF	
Checked:		
Approved:		
P.E. No.		
GEI Project		

Attention:

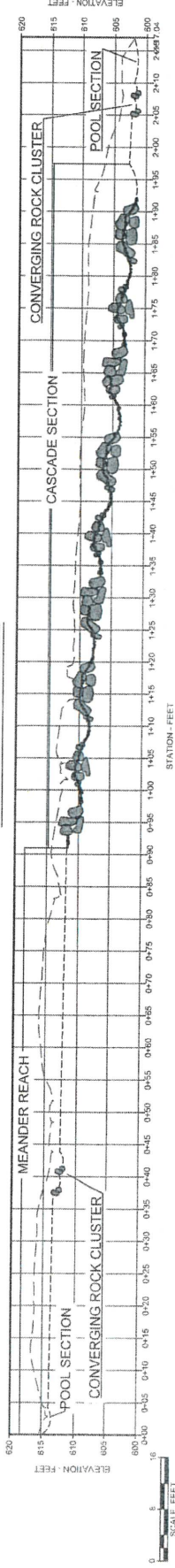
1" = 100'

If this scale bar does not measure, do not use this scale.

0 10 20

SCALE FEET

CONCEPTUAL PROFILE



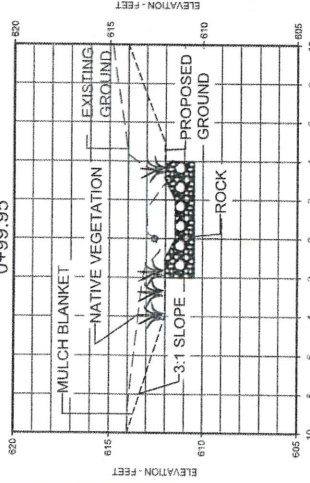
**EXAMPLE MEANDER REACH
KIDS CREEK TRIBUTARY**



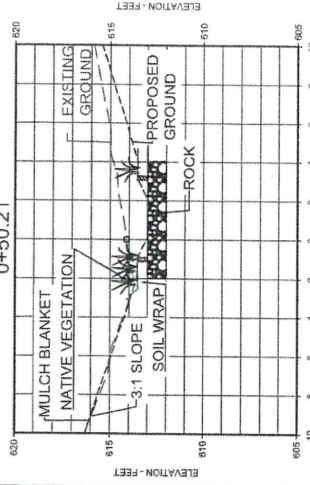
**EXAMPLE CASCADE SECTION
EAST ST. LOUIS CREEK**



**TYPICAL CASCADE CROSS SECTION
0+99.95**



**TYPICAL MEANDER REACH CROSS SECTION
0+50.21**




SOURCE: YOCHUM, STEVEN E. ET AL. 2014.
PHOTOGRAPHIC GUIDANCE FOR SELECTING
FLOW RESISTANCE COEFFICIENTS IN
HIGH-GRADIENT CHANNELS. UNITED STATES
DEPARTMENT OF AGRICULTURE.

PRELIMINARY

Attention: If this scale bar does not measure the original size	Designed: SHP Drawn: MEF Checked: Approved: P.E. No. GEI Project	 GEI Consultants 4422 WOODLARK DRIVE, SUITE 100 WESTLAND, MI 48090-1500 (734) 754-4400	VILLAGE OF SUTTONS BAY	SUTTONS BAY STREAM RESTORATION SUTTONS BAY LEELANAU COUNTY, MICHIGAN	SHEET NAME C-02 CONCEPTUAL PROFILE AND CROSS SECTIONS	SHEET NO. ####



Attention:
If this scale bar
does not measure
the original size

		VILLAGE OF SUTTONS BAY	
		REPORT VSB -2023-07	
Prepared:	January 11, 2023	Pages:	1 of 1
Meeting:	January 17, 2023	Attachments:	<input checked="" type="checkbox"/>
Subject:	Elm Street Study		

PURPOSE

To provide the Village Council with the Elm Street Traffic Operations Analysis Report and Committee recommendation.

OVERVIEW

Please find attached a copy of the Elm Street Traffic Operations Analysis Report regarding the all way stop. Rather than provide you with my opinion or assessment of the report, it is provided for your understanding. The General Service Committee reviewed the report and made a recommendation to accept the findings by not installing stop signs. In addition, Staff will investigate upgrading signage, researching a system such as a hawk light, and revisiting the all way stop in the future.

ACTION REQUESTED

Acceptance of the recommendation – no motion is needed.

MEMO

To: Village of Suttons Bay

From: Julie Kroll, PE, PTOE
Fleis & VandenBrink

Date: November 14, 2022

Re: Elm Street & 4th Street Intersection
Suttons Bay, Michigan

1 INTRODUCTION

This memorandum presents the findings of the intersection evaluation performed for the intersection of Elm Street & 4th Street in Suttons Bay, Michigan. The study intersection location is shown on **Figure 1**. The Village requested an evaluation of the intersection due to concerns regarding, vehicle speeds, school traffic, and pedestrian crossings at the Elm Street & 4th Street intersection. This study was performed to provide recommendations to improve the safety at this intersection for all road users.

Figure 1: Site Location Map



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2 MULTI-WAY STOP ANALYSIS

Section 2B.07 of the *MMUTCD* provides a set of criteria to evaluate in order to determine when the installation of multi-way stop should be considered at an intersection. The applicable criterion includes the evaluation of the following: *Signal Warrant Analysis*, *Crash History*, and *Traffic Volumes* at the intersection.

A. Signal Warrant Analysis

A multi-way stop may be used as an interim measure that can be installed quickly to control traffic prior to the installation of traffic signal control. Therefore, a signal warrant analysis was performed to determine if a signal is warranted and recommended at this intersection. The *Michigan Manual on Uniform Traffic Control Devices (MMUTCD)* documents eight warrants by which traffic signal control for evaluation. The applicable volume warrants: Warrant 1 (8-Hour Vehicular Volume), Warrant 2 (4-Hour Vehicular Volume), Warrant 3 (Peak-Hour), and Warrant 7 (Crash Experience) were evaluated at this intersection. The results of the analysis are summarized below, and the signal warrant data is attached. The results show that a signal is not warranted at this intersection, therefore this criteria is **Not Met**.

Table 2: Signal Warrant Analysis Summary

Warrant		Criteria Met
Warrant 1: Eight-Hour		NO
Condition A	Hours Met	0
	Warrant Met	NO
Condition B	Hours Met	0
	Warrant Met	NO
Warrant 2: Four-Hour	Hours Met	0
	Warrant Met	NO
Warrant 3: Peak-Hour	Hours Met	0
	Warrant Met	NO
Warrant 5: Crash Experience	Hours Met	0
	Warrant Met	NO

B. Crash History

A multi-way stop may be considered based on crash history where five (5) or more reported crashes occur in a 12-month period that are correctable by multi-way stop control. F&V reviewed historical crash data for the past **five years** of available data (January 1, 2017 – December 31, 2021) as obtained from the Michigan Traffic Crash Facts (MTCF) website. The results of the crash analysis are summarized in **Table 2** and show two crashes occurred within the five-year study period and both were weather related and are *not* correctable with STOP control. Therefore, the crash history is **Not Met**.

Date	Crash Type	Cause	Correctable with STOP Control
3/6/2018	Angle	Speed too fast for conditions/Icy Roads	No
3/6/2019	Other	Speed too fast for conditions/Icy Roads	No

C. Traffic Volumes

1. The vehicular volume entering the intersection from the major street approaches (total of both approaches) averages at least 300 vehicles per hour, for any 8 hours of an average day.
2. The combined vehicular, pedestrian, and bicycle volume entering the intersection from the minor street approaches (total of both approaches) averages at least 200 units per hour for the same 8 hours, with an average delay to minor-street vehicular traffic of at least 30 seconds per vehicle during the highest hour; but
3. If the 85th-percentile approach speed of the major-street traffic exceeds 40 mph, the minimum vehicular volume warrants are 70 percent of the values provided in Items 1 and 2.

When no single criterion is satisfied, but where Criteria A, B, and the Crash Criteria are all satisfied to 80 percent of the minimum values. Criterion C is excluded from this condition.

F&V subconsultant Gewalt Hamilton Associates (GHA) collected 12-Hour turning movement counts on October 6, 2022. This data was used to evaluate the traffic volume criterion of the Multi-Way Stop control warrant. The results of the analysis are summarized below. The detailed data is attached and shows that the traffic volume criteria is **Not Met**.

Table 3: Intersection Crash Summary (5 Years)

Criteria	Hours Met			Minimum Volume	Criteria
	C-1	C-2	Both Met		
Minimum Volumes	4	0	0	8	Not Met
80% Minimum Values	3	0	0	8	Not Met

Summary

- The results of the multi-way stop analysis shows that all-way stop control is not warranted or recommended at this intersection. Therefore, additional mitigation measures were reviewed to improve the safety and reduce the crash potential for all road users at this intersection.

3 PEDESTRIAN CROSSING ANALYSIS

There are two marked pedestrian crossings on both Elm Street and 4th Street at this intersection. The existing crossing treatments were reviewed to determine if additional measures are recommended at this intersection.

The pedestrian volumes collected are summarized in **Table 4** below for the 12-hours of data collection performed on September 22, 2022.

TABLE 4: MDOT PEDESTRIAN CROSSWALK CRITERIA

Start Time	Crossing Elm Street			Crossing 4 th Street		
	To the East	To the West	Total	To the North	To the South	Total
6:00 AM	0	0	0	0	0	0
7:00 AM	0	0	0	0	0	0
8:00 AM	0	23	23	0	0	0
9:00 AM	0	0	0	0	0	0
10:00 AM	0	0	0	0	0	0
11:00 AM	0	0	0	0	0	0
12:00 PM	18	0	18	0	0	0
1:00 PM	0	0	0	1	0	1
2:00 PM	0	0	0	0	0	0
3:00 PM	2	7	9	0	0	0
4:00 PM	5	2	7	0	0	0
5:00 PM	1	1	2	1	0	1
6:00 PM	1	2	3	0	0	0
Total	27	35	62	2	0	2

Elm Street Pedestrian Crossing

MDOT provides guidance for determining appropriate pedestrian treatments as outlined in the MDOT *Guidance for Installation of Pedestrian Crosswalks on Michigan State Trunkline Highways, March 2020*. While it is understood that Elm Street is not a state trunkline, CR 633 is a bi-pass for M-22 and becomes Elm Street at the Village limits and operates more similarly to a trunkline than other roads in the Village.

There is an existing school crossing at the intersection to facilitate both east/west and north/south movements at this intersection. The analysis is summarized in **Table 5** below and shows that the existing number of pedestrians meet the thresholds for a marked crossing.

TABLE 5: MDOT PEDESTRIAN CROSSWALK CRITERIA

Pedestrian Threshold	Young, Elderly, Disabled Pedestrian Threshold	Hours Required	Met	
20 pedestrians	10 pedestrians	per hour in any one hour	Yes	
18 pedestrians	9 pedestrians	per hour in any two hours	Yes	
15 pedestrians	8 pedestrians	per hour in any three hours	Yes	
10 school age (grades K-12) pedestrians and is a designated school walking route			per hour in any one hour	Yes
Criteria Met for Unsignalized Crossing			Yes	

Where crosswalks are recommended, MDOT provides guidance for the crossing types which includes uncontrolled crossing treatments. The posted speed limit at this intersection is 25 mph, however the actual speeds at this intersection are higher. Therefore, the criteria for Crossing Type B are recommended at this location, as identified in the attached Table 1 from the MDOT Guidance. Additionally, review of the pedestrian traffic volumes shows that the criteria to consider a Rectangular Rapid Flashing Beacon (RRFB) is met. Therefore, the following recommendations, as applicable to the Elm Street crossing location:

- Marked special emphasis crosswalk
- School crossing pedestrian warning signs
- Advance school crossing warning signs
- Rectangular Rapid Flashing Beacon (RRFB)

4th Street Pedestrian Crossing

The volume of pedestrians crossing north/south is relatively low, however there is a potential for vulnerable road users to cross at all legs of this intersection. Therefore, the following recommendations for the 4th Street crossing location are summarized below.

- Marked special emphasis crosswalk

4 CONCLUSIONS

- The results of the study show that neither all-way stop control or a traffic signal is warranted or recommended at this intersection.
- Mitigation measures are recommended to reduce vehicle speeds at the Village Limits and increase awareness of pedestrian crossings.

5 RECOMMENDATIONS

- Several treatments are recommended below that can be implemented in combination to improve the safety for pedestrians and reduce the speeds. Items of note include:
 - **Village of Suttons Bay Gateway Signage:** The northbound approach at the CR 633 transitions to Elm Street at Herman Road. This change from County Road to Village Street is not very clear, so vehicles continue driving at high speeds. Adding signage to indicate that drivers have entered the Village will help create a sense of place and reduce speeds in combination with other measures.
 - **Overhead Flashing Beacon:** Northbound drivers may not be aware that there is a cross-street north of Herman Street. Increased awareness at this intersection can be accomplished through the addition of an overhead flashing beacon.
 - **School Crossing Signage:** The pedestrian signage should be updated in accordance with current standards. The Elm Street crossing at 4th Street meets the criteria for the installation of a Rectangular Rapid Flashing Beacon (RRFB).

RECOMMENDATION SUMMARY

4th Street
➤ Provide marked special emphasis crosswalk
Elm Street
➤ Provide marked special emphasis crosswalks (2 locations)
➤ Rectangular Rapid Flashing Beacon (RRFB) school crossing at 4 th Street
➤ Upgrade advance school crossing warning signs to current standards
➤ Upgrade 25 mph sign (larger) with speed feedback sign
➤ Provide Village Limit Sign/Gateway north of Herman Road
➤ Update pavement markings
Intersection
➤ Provide Overhead Flashing Beacon

Any questions related to this memorandum, study, analysis, and results should be addressed to Fleis & VandenBrink.

I hereby certify that this engineering document was prepared by me or under my direct personal supervision and that I am a duly licensed Professional Engineer under the laws of the State of Michigan.

Attached: Exhibit 1-Recommended Mitigation Measures
Traffic Volume Data
Signal Warrant Analysis
All-Way Stop Warrant Analysis
Crash Data Summary
Auxiliary Turn Lane Criteria